

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE MARY JOSEPH

THURSDAY, THE 21ST DAY OF APRIL 2022 / 1ST VAISAKHA, 1944

CRL.REV.PET NO. 771 OF 2021

AGAINST THE JUDGMENT DATED 05.10.2021 IN CRL.APPEAL NO.
112/2017 OF III ADDITIONAL SESSIONS COURT, THODUPUZZHA

AGAINST THE JUDGMENT DATED 17.06.2017 IN S.T.NO.16/2015
OF JUDICIAL FIRST CLASS MAGISTRATE COURT- II, THODUPUZZHA

REVISION PETITIONER/APPELLANT/ACCUSED:

JIGO VARGHESE, AGED 50 YEARS
S/O.VARGHESE, KOKKATTU HOUSE,
PUTHUPARIYARAM P.O., MANAKKAD VILLAGE,
THODUPUZZHA TALUK, IDUKKI DISTRICT - 685 584.

BY ADV SRI.P.ABANI

RESPONDENTS/RESPONDENTS/COMPLAINANT AND STATE:

- 1 SIBI THOMAS, AGED 35 YEARS,
S/O.THOMAS, AREEPLACKAL HOUSE, ELLUMPURAM KARA,
MUTTOM VILLAGE, THODUPUZZHA TALUK,
IDUKKI DISTRICT - 685 584.
- 2 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT, ERNAKULAM - 682 031.

R1 BY ADV.SRI.LATHEESH SEBASTIAN

R2 BY SMT.SEENA C, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVE BEEN FINALLY
HEARD ON 31.03.2022, THE COURT ON 21.04.2022 PASSED THE
FOLLOWING:

ORDER

Dated this the 21st day of April, 2022.

This revision is filed challenging concurrent findings of guilt of the revision petitioner by Judicial First Class Magistrate Court-II, Thodupuzha (for short 'the trial court') in S.T.No.16/2015 and IIIrd Additional District and Sessions Judge, Thodupuzha (for short 'the appellate court') in Crl.Appeal No.112/2017 and the orders of conviction and sentence passed consequent to that.

2. The learned counsel for the revision petitioner failed to point out any jurisdictional error by which the judgments of the courts below suffer. Therefore this Court has no authority to exercise revisional jurisdiction.

3. The learned counsel for the revision petitioner has sought for grant of time for paying the fine imposed on him by the judgments assailed. This Court finds that the trial court has convicted and sentenced the revision petitioner with substantive

sentence of simple imprisonment for a period of one year and to pay compensation of Rs.4,00,000/- under Section 357(3) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.) and directed him to undergo simple imprisonment for a period of three months in case of his default to pay compensation. In the appeal preferred against, the appellate court has allowed the appeal partly and modified the substantive sentence to imprisonment till rising of the court. The direction to pay Rs.4,00,000/- as compensation and the default sentence imposed are maintained.

4. Since Covid-19 pandemic scenario is still in prevalence and the people are still under financial constraints impacted by that, this Court finds justified in granting time for paying the compensation of Rs.4,00,000/-. Five months' time is granted for paying the compensation amount. The trial court shall not proceed to execute the sentence during the time now stands extended for payment by this order. The revision petitioner shall surrender before the trial court to serve the substantive sentence of simple imprisonment till rising of the court and produce a memo evidencing payment of Rs.4,00,000/- as compensation to

the complainant on or before 20.09.2022. In case of non-compliance of the directions issued as above, the trial court shall proceed to execute the sentence forthwith.

Sd/-

**MARY JOSEPH
JUDGE**

NAB

APPENDIX OF CRL.REV.PET 771/2021

PETITIONER'S ANNEXURES:

ANNEXURFE 1 CERTIFIED COPY OF DEPOSITION OF DW2 IN
S.T.NO.16/2015 DATED 17/6/2017 ON THE
FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-II, THODUPUZHA.

RESPONDENT'S ANNEXURES: NIL

//TRUE COPY//

P A TO JUDGE