

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 15TH DAY OF MAY 2020 / 25TH VAISAKHA, 1942

CRL.M.A.1 OF 2020 IN CRL.APPEAL.NO.548 OF 2019

AGAINST THE JUDGMENT DATED 30.03.2019 IN S.C.NO.614/2015  
PASSED BY THE COURT OF THE II ADDL.SESIONS COURT, KOLLAM

CRIME NO1861/2012 OF THE KUNDARA POLICESTATION, KOLLAM  
DISTRICT

PETITIONERS/APPELLANTS/ACCUSED NOS. 2&3

1. MADHU PRASAD,  
AGED 32 YEARS, S/O.PRASAD,  
KOLLIDAZHIKATHUVEEDU, PERAYAM CHERRY,  
MULAVANA VILLAGE, KOLLAM DISTRICT- 691 503.
2. JITHIN PRASAD,  
AGED 38 YEARS, S/O.PRASAD,  
KOLLIDAZHIKATHUVEEDU, PERAYAM CHERRY,  
MULAVANA VILLAGE, KOLLAM DISTRICT- 691 503.

BY. ADVS. SRI.RENJITH B.MARAR  
SMT.LAKSHMI N.KAIMAL  
SRI.U.JAYAKRISHNAN  
SRI.SURABHI SANTOSH

RESPONDENTS/RESPONDENTS/STATE

1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM  
PIN-682031.
2. THE SUB INSPECTOR OF POLICE,  
KUNDARA POLICE STATION,  
KOLLAM DISTRICT-691 501.

R1-R2 BY SR.PUBLIC PROSECUTOR SRI.C.S.HRITHWIK

THIS CRIMINAL M.A. HAVING COME UP ON 15.05.2020, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ASHOK MENON, J.**

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**CRL.M.A.NO.1 OF 2020**

**IN**

**Cr1.Appeal No.548 of 2019**  
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**Dated this the 15<sup>th</sup> day of May, 2020**

**O R D E R**

The petitioners/appellants are accused 2 and 3 in S.C.No.614/2015 on the files of the II Additional Sessions Court, Kollam. They were found guilty and convicted for offences punishable under Sections 307, 326 and 458 read with Section 34 of I.P.C. and under Section 27 of the Arms Act. They were sentenced to undergo imprisonment for ten years under Section 307 of I.P.C. and also for the other offences. The petitioners/appellants seek to suspend the sentence. They have been in jail for more than a year.

The learned Senior Public Prosecutor points out that both the petitioners/appellants have been more than eight other cases each registered against them. Apart from that, proceedings under the KAAPA was also instituted sometime ago. Considering the fact that the petitioners/appellants have already undergone one year imprisonment and on a reading of the entire judgment of the trial court, I find that the petitioners/appellants

are entitled to get the sentence suspended on condition. Hence, the sentence of imprisonment as against the petitioners/appellants is suspended on execution of bond for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like amount to the satisfaction of the trial court and on depositing the fine amount within a period of one month. It is also made clear that the petitioners/appellants shall not get involved in any similar cases during the suspension of the sentence. In case of default, the prosecution is at liberty to get the suspension cancelled by moving the trial court.

**ASHOK MENON  
JUDGE**

*dkr*