

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

C R I M I N A L A P P E A L N O (s) . 3 0 2 O F 2 0 0 2

S T A T E O F K E R A L A

A p p e l l a n t (s)

V E R S U S

V I J A Y A N @ P O T T U V I J A Y A N

R e s p o n d e n t (s)

(With office report)

Date: 27 / 1 1 / 2 0 0 8 This Appeal was called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E L O K E S H W A R S I N G H P A N T A
H O N ' B L E M R . J U S T I C E B . S U D E R S H A N R E D D Y

For Appellant(s) Mr. G. Pr a k a s h , Adv.

For Respondent(s) Mrs. K. Sarada Devi, Adv.

U P O N hearing counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(Ajay Kr. J ain)
Court Master

(Vinod Kulvi)
Court Master

(Signed order is placed on the file)
I N T H E S U P R E M E C O U R T O F I N D I A
C R I M I N A L A P P E L L A T E J U R I S D I C T I O N
C R I M I N A L A P P E A L N O . 3 0 2 O F 2 0 0 2

State of Keral a

.... Appellant

Versus

Vijayan @ Pottu Vijayan

.... Respondent

O R D E R

We have heard learned counsel for the parties and gone through the judgment of the Trial Court as well as the High Court. Both the courts have held the respondent- Vijayan @ Pottu Vijayan (A-2) not guilty of the offence punishable under Section 30 2 I PC read with Section 34 I PC. However, the High Court has found the respondent guilty of the offence punishable under Section 34 1 I PC and sentenced him to undergo simple imprisonment for a period of one month and to pay a fine of Rs. 50 0 /- or in default of payment of fine to simple imprisonment for a further period of 15 days. We are told that the respondent has already undergone the sentence imposed upon him by the High Court.

Both the courts below have examined and re-examined the evidence brought on record by the prosecution but the prosecution has failed to conclusively establish that the respondent- accused had common intention with other co-accused for committing the murder of the deceased. In the facts and circumstances of the case, we do not find any perversity or infirmity in the judgments and orders of the Courts below, which calls for interference in this appeal. The appeal is accordingly dismissed.

.....J.

(LO K E S H W A R S I N G H P A N T A)

.....

.....J.

(B. S U D E R S H A N R E D D Y)

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New Delhi
November 27, 20 0 8