

SUPREME COURT OF INDIA

State of Kerala

Vs.

Mangat Kunhimoossa

Crl.A.No.772 of 1998

(B. N. Agarwal and H. K. Sema JJ.)

01.09.2004

ORDER

1. Heard learned counsel for the parties.

2. The respondents were tried along with accused Nos. 6 to 8 and by order rendered by the Trial Court, accused Nos. 6 to 8 have been acquitted and out of the remaining six persons, accused No. 1 was convicted under Section 302 of the Indian Penal Code (for short 'I.P.C.')

and sentenced to undergo imprisonment for life. He was directed to pay compensation to the tune of Rs.75, 000/- to the legal heirs of the deceased within six months; in default to undergo rigorous imprisonment for a period of five years. He was further convicted under Sections 143, 148 and 324 I.P.C. and sentenced to undergo rigorous imprisonment for a period of six months, three years and three years respectively. Accused No. 2 was convicted under Sections 143, 148 and 324 I.P.C. and sentenced to undergo rigorous imprisonment for a period of six months, three years and three years respectively. Accused Nos. 3 and 4 were convicted under Sections 143, 148 and 324/149 I.P.C. and sentenced to undergo rigorous imprisonment for a period of six months, three years and three years respectively. Accused No. 5 was convicted under Sections 143, 148, 324 and 452 I.P.C. and sentenced to undergo rigorous imprisonment for a period of six months under Section 143 I.P.C. and three years for each of the other offences. He was also directed to pay compensation to the tune of Rs.3, 000/- to P.W.9 within six months; in default to undergo further rigorous imprisonment for a period of six months. Accused No. 9 was convicted under Sections 143, 148 and 324 I.P.C. and sentenced to undergo rigorous imprisonment for a period of six months, three years and three years respectively. The sentences, however, were ordered to run concurrently. On appeal being preferred, the High Court acquitted the respondents of all the charges. Hence, this appeal by special leave. Having heard learned counsel for the parties, we are of the view that the judgment of acquittal rendered by the High Court cannot be said to be perverse in any manner so as to warrant interference by this Court under Article 136 of the Constitution.

3. The appeal, accordingly, fails and is dismissed. The respondents, who are on bail, are discharged from the liability of bail bonds.