



KERALA

Judicial Services Exam

CIVIL JUDGE

High Court of Kerala

Judgement

Volume - 4



KERALA JUDICIAL SERVICES

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CRIMINAL PROCEDURE CODE, 1973			
S.No.	Case Name	Facts	Date
1.	Manjit singh Versus The state of Punjab and anr.	[Section 320 of Criminal Procedure Code, 1973] Compromise In Non- Compoundable Offence can only be a mitigating factor to be Considered by a Court at the stages of argument on Quantum of Sentence.	July 22, 2019.
2.	Mauji ram Versus State of uttar Pradesh & and.	Sections 439 Procedure Code, 1973	July 29, 2019.
3.	Kathi david rawju Versus The state of	[Section 53 of code of criminal procedure, 1973]	July 29, 2019.

	Andhra pradesh & Anr	DNA Test Cannot Be Ordered Without There Being Appropriate Satisfaction For Its Requirement.	
4.	Amir hamza shaikh & ors. Versus State of Maharashtra & anr.	[Section 24(8) of Code of Criminal Procedure 1973 The right Of victim to assist the court in a trial before the magistrate is not absolute right and depends upon the de .	7 August, 2019
5.	Saleem ahmed Versus State & anr.	Section 482 Code of Criminal Procedure, 1873 FIR Filed after Passing an award in Lok Adalat in respect of disputes fully settled is unjustand illegal and not permissible.	August 19, 2019
6.	P.chidambaram Versus Directorate of	(Note to readers though at the end anticipatory bail was not granted in the	5 th September 2019

	Enforcement	favour of appellant matter being dismissed as infructuous but read the case carefully to articulate the court craft done the by appellants lawyer - hence this brief is drafted exhaustively)	
7.	P.chidambaram Versus Directorate of Enforcement	Regular Application Section CrP.C Bail 439 (before This reading read His Anticipatory Bail brief for clarity in flow of facts	5 th September 2019
8.	Nevada properties Private limited Through its Directors Versus State of Maharashtra and Anothers	[Section 102 the Code Criminal Procedure Code 1973 thereafter referred as 'The Code)]	September 24, 2019
9.	Guru @ gurubaran & Ors. Versus. State rep. By inst Of	[Exception 4 of Section 300 of Indian Penal Code, 1960] The benefit of exception 4 of	September 27, 2019.

	Police	Section 300 of the IPC cannot be passed on to the accused, where the facts and circumstances of the case clearly that incident place was show the took a result of a prior	
10.	<p>Vinubhai haribhai Malaviya and ors. Versus</p> <p>The state of Gujarat and anr.</p>	<p>[Sections 173(8), 156(3) and 2(h) of Criminal Procedure Code, 1973 Article 21 of the Indian Constitution]</p> <p>Magistrate can Order investigation even after filing of police report.</p>	October 16, 2019.
11.	<p>Raju kumar sharma & Anr.</p> <p>Versus</p> <p>The state of uttar Pradesh & anr</p>	[Section 482 of Code of Criminal Procedure, 1973]	October 21, 2019

12.	<p>State of madhya Pradesh</p> <p>Versus</p> <p>Ubham and others</p>	<p>[Criminal Procedure Code, 1973]</p> <p>Sentencing an accused, being fundamental of principal justice, has to be awarded with great and good caution with reasoning.</p>	<p>October 22, 2019</p>
13.	<p>State of MP</p> <p>Versus</p> <p>Man Singh</p>	<p>Section 482 Criminal Procedure Code, 1973</p> <p>Section 482 CrPC does not Empower the High Court to Alter the sentence.</p>	<p>November 04, 2019</p>
14.	<p>Rekha murarka</p> <p>Versus</p> <p>The state of west Bengal and anr.</p>	<p>Counsel appointed by a victim in a criminal case under proviso of section 24 (8) CrPC are only Allowed to assist the public prosecutor and not to conduct the prosecution.</p>	<p>November 20, 2019.</p>
15.	<p>Mahipal</p> <p>Versus</p>	<p>[Section 439 of Code of Criminal Procedure.]</p> <p>Order granting or refusing bail</p>	<p>December 5, 2019</p>

	Rajesh Kumar @ Palia & Anr.	without a sufficient reason will be as considered perverse.	
16.	New india assurance Co. Ltd. Versus Krishna kumar pandey	[Section 397 and 401 of the code Of Criminal Procedure, 1973	16 December, 2019
17.	Puneet dalmia Appellant V Central bureau of Investigation Respondent	Section 205 CrPC Application for dispensation of personal appearance.	16 December, 2019

[Section 320 of Criminal Procedure Code, 1973]

Compromise in Non-Compoundable Offence can only be a mitigating factor to be considered by a court at the stage of argument on Quantum of Sentence.

Manjit Singh

Versus

The state of Punjab and anr.

Division Bench

Hon'ble R. Banumathi and A.S. Bopanna JJ.

Dated: July 22, 2019.

Delivered by: R. Banumathi, J.

Law point

In a non-compoundable offence the compromise entered into between the parties is indeed a relevant circumstance which the Court may keep in mind for considering the quantum of sentence.

Facts

On 04.06.2001 at about 05:30 p.m., when complainant-Hardip Singh (PW-1) was returning to his village Baghiari from bus stop on his scooter, Appellant accused, Manjit Singh, along with his brother Ranjit Singh (A2), armed with knife, were attacked/ inflicted knife blows on the left and right thigh of the complainant. On the complaint lodged by the complainant a case was registered under section 307 read with Section 34 I.P.C. and section 324 read with Section 34 I.P.C. After completion of the investigation, the chargesheet was filed against the accused for the aforesaid offences.

Decision of the trial court

Trial Court convicted the Appellant accused and A2 under section 307 I.P.C. and sentenced each of them to undergo rigorous imprisonment for five years along with fine of Rs. 1000/- each for the offence punishable under section
