



## GOVERNMENT OF KERALA

### Abstract

Home Department - Prisons - Request for remission of sentence of Sri.Pachatt Devadasan - rejected orders issued.

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### HOME(B)DEPARTMENT

G.O.(Rt)No.1009/2024/HOME Dated,Thiruvananthapuram, 02-04-2024

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- 1 Read 1 Judgment of the Hon'ble Additional District and Sessions Court Fast Track (Adhoc-I) Kozhikode, dated 07.12.2007 in SC No.296/2005.
- 2 Judgment of the Hon'ble High Court dated 26.08.2022 in CrIa No.2406/2007.
- 3 Request for commutation of sentence submitted by Pachatt Devadasan.
- 4 Order of the Hon'ble supreme Court dated 13.02.2023 in SLP (CrI)No.10709/2022
- 5 Judgment of the Hon'ble High Court dated 19.09.2023 in WP(CrI) No.865/2023.
- 6 Letter No. D1(a)-67446/2023/CC dated 01.12.2023 of District Police Chief, Kozhikkod City.

### ORDER

Sri.Pachatt Devadasan,Odinilamparambu House, Beypore Amsom, Kallingal, Kozhikode has filed WP(CrI.)No.865/2023 before the Hon'ble High Court praying to expedite the disposal of the mercy petition submitted to Government. Hon'ble court disposed of the same as per the judgment read as 5th paper above, directing the following.

- 1.Government will consider Ext.P5 and pass appropriate orders in it, as expeditiously as possible, at any rate, within a period of one month.
- 2.Till final orders are passed in Ext.P5, the execution of sentence

imposed on the petitioner based on the judgment in S.C.No.296/2005 on the file of the Additional Sessions Judge (Fast Track – I), Kozhikode, shall be kept in abeyance.

2) Prosecution case was that, on 16.01.2001, when Sri.Murali, a Police Constable attached to Traffic Police Station, returning after his duty, while he was purchasing medicine from P.R.C. Medicals in the Mofusil bus stand building near Mavoor road, due to the previous animosity to him, Pachatt Devadasan stabbed him on the back of his chest and caused grievous hurt to him.

3) Hon'ble Additional District and Sessions, Fast track (Ad hoc-I) Court Kozhikkode convicted him in SC No.296/2005 and sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.5,000/- i/d RI for 6 months u/s 307 IPC as per judgement read as 1st paper above. Aggrieved by this the petitioner approached Hon'ble High Court through Crl. A. 2406/2007 and the court allowed the appeal in part. As per the judgment read as 2nd paper above, he was sentenced to undergo rigorous imprisonment for a period of one year and also to pay a fine of Rs.5,000/- i/d rigorous imprisonment for 2 months for the offence under Section 307 I.P.C. Though he approached Hon'ble Supreme Court through SLP (Crl)No.10709/2022 the apex court dismissed the same, as per order read as 4th paper above.

4) Sri.Pachatt Devadasan filed a mercy petition, as per reference read as 3rd paper above, before Government requesting to grant him remission of sentence on the following grounds.

- 1.The petitioner and the victim (Sri.Murali) have already reached a compromise.
- 2.He has undergone 2 months of imprisonment in the crime stage.
- 3.His is ailing from old age related problems

5) District Police Chief, Kozhikkode city, as per letter read as

6th paper above, reported that one of his two daughters is married and the other one is working as a teacher in a private institution. In the year 2022, Devdasan, while working in Chaliumpichihaji Higher Secondary School building, fell from the building and fractured his shoulder. He had also injured his spine and has been undergoing treatment for a spinal injury. Due to this injury he is now unable to go to work and lives on the meager income of his wife and daughter. Now it is understood that the problems between the two families have been resolved and there are no other cases registered against him.

6) Government have examined the matter in detail with respect to the aforesaid reports. Sri.Pachatt Devadasan was convicted for the criminal act which might have been lethal to the victim's life and was awarded a minimum punishment of imprisonment of one year only. Granting remission of sentence to persons convicted for these kinds of offences may facilitate repetition of similar crimes and it may convey the feeling that persons committing similar crimes can easily escape from law and lead to public disdain for the rule of law. It is found that the case is not a fit one which warrants intervention of Government on the sentence imposed on Sri.Pachatt Devadasan by the Hon'ble courts. Hence, the mercy petition submitted by Sri.Pachatt Devadasan as per petition read as 3rd paper above is hereby rejected.

7)The judgment of the Hon'ble High Court in W.P. (Crl.).No.865/2023 read as 4th paper above is complied with accordingly.

(By order of the Governor)  
BISHWANATH SINHA  
ADDITIONAL CHIEF SECRETARY

Sri.Pachatt Devadasan, Odinilamparambu House,  
Beyepore Amsom, Kallingal, Kozhikode

Advocate General, Kerala, Ernakulam (with covering letter)

The State Police Chief, Thiruvananthapuram( For immediate necessary action )

DIG & District Police Chief , Kozhikode City, Kozhikode ( For immediate necessary action )

Principal Accountant General (A&E/Audit) Kerala, Thiruvananthapuram

Information and Public Relations (Web & New Media) Department.

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