<u>പതിമൂന്നാം കേരള നിയമസഭ</u> <u>പതിമൂന്നാം സമ്മേളനം</u>

നക്ഷത്ര ചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ 7

9.3.2015-ലെ മറുപടിക്ക്

ഡേവിഡ് ലാലി എന്നയാൾക്ക് ലഭിച്ച ശിക്ഷ

<u>ചോദ്യം</u> ഡോ.ടി.എം.തോമസ് ഐസക് <u>മറുപടി</u> ശ്രീ.ഉമ്മൻ ചാണ്ടി (മുഖ്യ മന്ത്രി)

ബി) സുപ്രീം കോടതി ശരിവച്ച ശിക്ഷ പിന്നീട് ഗവണ്മെന്റ് ഇളവു ചെയ്യുകയുണ്ടായോ; എങ്കിൽ ഏത് ഉത്തരവിലൂടെ; പ്രസ്തുത ഉത്തരവിന്റെ പകർപ്പ് സഭയുടെ മേശപ്പുറത്ത് ലഭ്യമാക്കാമോ;	1591/14/ആഭ്യന്തരം തീയതി 09.06.2014 പ്രകാരം ഇളവു ചെയ്യുകയുണ്ടായി. പകർപ്പ്
തടവിൽ കഴിയുകയുണ്ടായി; പ്രതിയും ഇന്ത്യൻ	ഡി) ടി പ്രതി തടവിൽ കഴിഞ്ഞതായി ശ്രദ്ധയിൽപ്പെട്ടിട്ടില്ല. ടിയാനം ഇന്ത്യൻ നാഷണൽ കോൺഗ്രസ് പാർട്ടിയും തമ്മിലുള്ള ബന്ധം അറിവായിട്ടില്ല.

സെക്ഷൻ ഓഫ്സർ



Government of Kerala Abstract

Home Department - Commutation of sentence into fine granted to Sri.David Laly, S/o.David, Cheruvila Veedu, Vizhavoor, Malayam P.O., Thiruvananthapuram - Orders issued.

HOME (B) DEPARTMENT

G.O.(Rt) No.1591/2014/Home

Dated, Thiruvananthapuram, 09.06.2014.

Read:-1) Judgement dated 23.1.1990 in CC 150/1988 of Hon'ble Judicial Ist Class Magistrate, Neyyattinkara.

2) Judgement dated 2.12.1991 in Crl. Appeal No. 43/1990 of Hon'ble Additional Sessions Judge, Thiruvananthapuram.

3) Judgment dated 7.4.1994 in Crl. Rev. Petition No. 821/91 of Hon'ble High Court of Kerala.

4) Judgment dated 4.10.2012 in Rev. petition (Crl.) No. 353/12 in Special Leave petition (Crl.) No. 10048 of 2011 of Hon'ble Supreme Court of India.

5) Representation dated 1.7.2013 from Shri.David Laly, S/o.David, Cheruvila Veedu, Vizhavoor, Malayam P.O., Malayankeezhu, Thiruvananthapuram.

6) Letter No. G3 (d) 26439/13 T dated 3.4.2014 from the District Police Chief, Thiruvananthapuram (Rural).

ORDER

As per the Judgment read as Ist paper above Sri. David Laly, S/o.David, Cheruvila Veedu, Vizhavoor, Malayam P.O., Malayankeezhu, Thiruvananthapuram was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs. 1,000/- (Rupees One thousand only) in default he has to undergo further period of three months imprisonment under section 326 IPC. He preferred appeal before the Ist Additional Sessions Court, Thiruvananthapuram and Hon'ble Additional Sessions Court vide judgment read as 2nd paper above confirmed the conviction and then he preferred Crl. Review petition before the Hon'ble High Court and Hon'ble High Court also confirmed the conviction but set aside the default sentence portion. Even though he approached the Apex Court, Hon'ble Supreme Court of India dismissed his appeal on the ground of delay as well as on merit.

2. After the disposal of appeal by the Hon'ble Supreme Court Sri.David Laly vide representation read as 5th paper above represented before Government that, He is aged 52 years and suffering from chronic diabetics, cardiac and neurotic problems. The incident happened 26 years back and if he is asked to surrender for an incident that happened 26 years back, due to the health conditions, he cannot withstand the detention at this stage and if he is detained, his life will be at danger taking into account of the diseases that he suffer.

- 3. District Police Chief vide his report read as 6th paper above favours the request for commutation of sentence.
- 4. Government have examined the matter in detail and are pleased to order commutation of sentence of rigorous imprisonment for a period of two years imposed on Sri.David Laly, S/o.David, Cheruvila Veedu, Vizhavoor, Malayam P.O., Malayankeezhu, Thiruvananthapuram by Hon'ble Judicial Ist Class Magistrate Neyyattinkara into fine of Rs.1,00,000/- (Rupees One Lakh), in exercise of section 433 (d) Cr.P.C. 1973.

By Order of the Governor, B.GOPAKUMAR, Additional Secretary to Government

To

1. Sri. David Laly, S/o.David Cheruvila Veedu, Vizhavoor, Malayam P.O., Malayankeezhu, Thiruvananthapuram.

2. The Hon'ble Ist Class Judicial Magistrate Court, Neyyattinkara.

3. The Hon'ble Additional Sessions Court, Thiruvananthapuram.

4. Registrar, High Court of Kerala, Ernakulam.

5. The District Police Chief, Thiruvananthapuram (Rural).

6. Stock File/Office copy

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Section Officer

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Government of Kerala Abstract

Home Department - Commutation of sentence into fine granted to Sri.David Laly, S/o.David, Cheruvila Veedu, Vizhavoor, Malayam P.O., Thiruvananthapuram - Erattum issued.

HOME (B) DEPARTMENT

G.O.(Rt) No. 2986/2014/Home

Dated, Thiruvananthapuram, 12.11.2014

Read:-1) G.O.(Rt)No.1591/14/Home dated 9.6.2014.

2) Representation dated 10.11.2014 from Shri.David Laly.

ORDER

Judgment dated 23.1.1990 in Calendar Case No.150/1988 of Hon'ble Judicial Ist Class Magistrate, Neyyattinkara mentioned in the reference portion of the Government Order read above is corrected and read as Judgment dated 23.1.1990 in CC No. 130/1988 of Hon'ble Judicial Ist Class Magistrate Court, Neyyattinkara.

The Government Order read above stands modified to the above extent.

By Order of the Governor, B.GOPAKUMAR, Additional Secretary to Government

To

- 1. Sri. David Laly, S/o.David Cheruvila Veedu, Vizhavoor, Malayam P.O., Malayankeezhu, Thiruvananthapuram.
- 2. The Hon'ble Ist Class Judicial Magistrate Court, Neyyattinkara.
- 3. The Hon'ble Additional Sessions Court, Thiruvananthapuram.
- 4. Registrar, High Court of Kerala, Ernakulam.
- 5. The District Police Chief, Thiruvananthapuram (Rural).
- 6. Stock File/Office copy

Copy to the disposal leading to G.O.(Rt)No. 1591/14/Home. Dated 9.6.2014.

Forwarded/by order

Section Officer