

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 20TH DAY OF DECEMBER 2013/29TH AGRAHAYANA, 1935

Crl.Rev.Pet.No. 2416 of 2013

**AGAINST THE JUDGMENT IN CRA 612/2005 of ADDITIONAL DISTRICT AND SESSIONS
COURT (ADHOC), MAVELIKKARA DATED 02-03-2007**

**AGAINST THE ORDER IN CC 231/2004 of JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, MAVELIKKARA DATED 29-08-2005**

REVISION PETITIONER/APPELLANT/ACCUSED:

**KRISHNAKUMARI,
KOMATHU VEEDU, PALLICKAL EAST, THEKKEKKARA P.O.
MAVELIKKARA.**

**BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SRI.MANU SEBASTIAN
SRI.K.J.SHARATH KUMAR**

RESPONDENTS/RESPONDENTS/STATE & COMPLAINANT:

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

**2. ABHILASH.K.,
S/O.KUTTAPPAN PILLAI, LEKSHMI NIVAS, PALLICKAL EAST,
THEKKEKKARA, MAVELIKKARA - 690 107.**

**R1 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH
R2 BY ADV. SRI.JACOB PALEX**

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
20-12-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AS

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE 1: A TRUE COPY OF MEDICAL RECORDS IN RELATION TO THE
 AILMENTS OF PETITIONER'S SON.**

**ANNEXURE 2: A TRUE COPY OF MEDICAL RECORDS IN RELEATION TO
 PETITIONER'S AILMENTS.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

AS

K. HARILAL, J.

Crl.R.P. No.2416 of 2013

Dated this the 20th day of December, 2013

ORDER

During the pendency of this revision filed against the conviction and sentence of the Revision Petitioner under Section 138 of the Negotiable Instruments Act, the parties have settled the matter and have filed Crl.M.A. No.8895 of 2013 to the effect that the matter has been compounded. The said petition has been signed by the Revision Petitioner as well as the 2nd respondent and their respective counsel. In the light of this, Crl.R.P. is disposed of and the judgments under appeal are set aside and the composition of the offence is recorded.

2. It is needless to mention that this composition shall have the effect of acquittal of the Revision Petitioner of the offence punishable under Section 138 of the N.I. Act within the meaning of Section 320(8) Cr.P.C.

**Sd/-K.HARILAL
JUDGE**

MJL

K. HARILAL,J.

Crl.M.Appl. No. 8895 of 2013
in
Crl.R.P. No.2416 of 2013

Dated this the 20th day of December, 2013

O R D E R

The Revision Petitioner is the accused in C.C. No.231 of 2004 on the files of the Judicial First Class Magistrate Court, Mavelikkara as well as the appellant in Criminal Appeal No.612 of 2005 on the files of Additional District and Sessions Judge, Fast Track (Adhoc), Mavelikkara. He was prosecuted for the offence punishable under Section 138 of the Negotiable Instruments Act (for short, 'N.I. Act') on a complaint filed by the 2nd respondent herein. After trial, the learned Magistrate found the Revision Petitioner guilty of the offence punishable under Section 138 of the N.I. Act and convicted thereunder. She was sentenced to pay a compensation of Rs.1,65,000/- to the complainant/2nd respondent under Section 357 (3) Cr.P.C. In default, to undergo simple imprisonment for a period of six months. Though the Revision Petitioner had preferred an appeal, the Appellate Court also confirmed the conviction and sentence. This Revision Petition is filed challenging the concurrent findings of conviction and sentence.

2. Now the Revision Petitioner along with the 2nd respondent filed this Crl.M.A. under Section 147 of the N.I. Act read with Section 320 of the Cr.P.C. In the petition, it is specifically stated that the subject matter of the above Revision Petition has been settled between the Revision Petitioner and the 2nd respondent out of court and now the 2nd respondent is not desirous of prosecuting the case against the Revision Petitioner. They jointly sought for permission of the Court for compounding the offence.

3. The learned counsel for the 2nd respondent also submits that the averments in the petition are true and correct to his knowledge and belief also. It is seen that the Revision Petitioner has deposited Rs.2000/- as cost to Kerala State Legal Services Authority in compliance with the direction of the Supreme Court in the decision **Damodar S Prabhu v. Sayed Babalal [2010(2) KLT 587(SC)]**.

As I am satisfied with the averments in the petition signed by both the parties and countersigned by the respective counsel appearing for the parties, permission is granted to compound the offence and composition is recorded.

Sd/-**K.HARILAL**
JUDGE

