

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Crl.Rev.Pet.No. 2221 of 2003 (D1)

AGAINST THE JUDGMENT IN CRL.A 8/2001 of ADDL.DISTRICT &
SESSIONS COURT, FAST TRACK (ADHOC-I), KOZHIKODE DATED
02-06-2003

AGAINST THE JUDGMENT IN CC 20/1997 of J.F.C.M.COURT, KOYILANDY
DATED 07-12-2000

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REVISION PETITIONER/APPELLANT/ACCUSED:

P. DEVARAJAN, S/O.RAMAKRISHNAN,
PANAMPALLI HOUSE, MOYILOTHARA,
THOTTIPALAM, KOZHIKODE DISTRICT.

BY ADVS.SRI.B.V.JOY SANKER
SRI.SAJIKUMAR. K.K.

RESPONDENT(S)/RESPONDENTS/COMPLAINANT & STATE:

1. M/S.SUDARSAN CHITS (INDIA)LIMITED,
RAILWAY STATION ROAD, KOYILANDI,
KOZHIKODE REPRESENTED BY ITS BRANCH MANAGER.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.JUSTINE JACOB

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 24-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

OKB

K.HARILAL, J.

Crl.R.P. No.2221 of 2003

Dated this the 24th day of June, 2015.

O R D E R

Going by the proceedings on record it is seen that this revision petition has been referred to Lok Adalat organised by the Kerala High Court Legal Services Committee at Ernakulam and the matter in dispute has been settled amicably between the parties by paying the entire cheque amount and in view of the above payment the daughter of the complainant agreed to compound the offence. The revision petitioner had paid the said amount by way of DD No.606693 drawn on Federal Bank Limited, Ulleri Branch, in the name of the Official Liquidator of the first respondent company at High Court of Kerala, for which the Official Liquidator has filed a receipt before the Lok Adalat.

2. The learned counsel for the revision petitioner urged for setting aside the sentence imposed on the revision petitioner in view of the

settlement proceedings dated 20.11.2013 before the Lok Adalat. So also he prayed for permission to withdraw Rs.22,500/- which was deposited before the Judicial First Class Magistrate's Court, Koyilandi in compliance with the direction of the Sessions Court Kozhikode.

3. Having regard to the proceedings dated 20.11.2013 of the Lok Adalat, organised by the Kerala High Court Legal Services Committee, I find that the conviction entered and the sentence imposed on the revision petitioner under the impugned judgment can be quashed in exercise of jurisdiction under Section 482 of the Cr.P.C., in view of the decision in Gian Singh v. State of Punjab 2012(4) KLT 108 (SC) and I do so. Further, the petitioner is allowed to withdraw Rs.22,500/-, which was deposited before the trial court in compliance with the direction of the Sessions Court, Kozhikode, on an application to be filed before the said court.

Sd/-
K. HARILAL, JUDGE

okb.