

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Crl.Rev.Pet.No. 32 of 2007 ()

AGAINST THE JUDGMENT IN CRL. APPEAL NO.176/2006 of III ADDL.SESIONS
COURT, KOLLAM DATED 07-12-2006

AGAINST THE JUDGMENT IN CC NO.1095/2003 of J.M.F.C.-I, KOTTARAKKARA
DATED 09-03-2006

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

SATHIBHAI, W/O. LEKSHMANAN,
VINAYAKAYIL, SAKTHIKULANGARA MURI
SAKTHIKULANGARA VILLAGE, KOLLAM TALUK.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

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1. K.VISWAMBHARAN
KARIKULANGARA VADAKKATHIL VEEDU, PERUMPUZHA MURI
ELAMPALLOOR VILLAGE, KOLLAM TALUK.
 2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

R1 BY ADV. SRI.C.RAJENDRAN

R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 25-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

acd

P.D. RAJAN, J.

Crl.R.P.No.32 of 2007

Dated this the 25th day of September, 2015

ORDER

The revision petitioner, who is the appellant in Crl.Appeal No.176/2006 on the file of III Additional Sessions Judge, Kollam, challenges the concurrent finding of conviction u/s.138 of the Negotiable Instruments Act (hereinafter referred to as the N.I. Act). He was convicted in C.C.No.1095/2003 of Judicial First Class Magistrate Court-I, Kottarakkara and sentenced to simple imprisonment for three months and to pay compensation of ₹1 lakh u/s.357 (3) Cr.P.C., which was confirmed by the appellate Court. The complainant is the 1st respondent in this revision petition.

2. When the matter came up for hearing, the learned counsel submitted that the parties have settled the matter

and filed a compounding petition, Crl.M.A.No.4914/2015 u/s.147 of N.I. Act. Both parties and their counsel have signed in the compounding petition. When the case is compounded by both parties, there is no hesitation for permitting them to compound the offence as held by the Apex Court in Damodar S. Prabhu v. Sayed Babalal [2010 (2) KLT 587(SC)]. Accordingly, Crl.M.A.No. 4914/2015 is allowed. When the compromise petition is allowed, it has the effect of acquittal u/s.320(8) of Cr.P.C. The revision petitioner has remitted ₹2,000/- before the Kerala State Legal Services Authority as a condition precedent to grant permission to compound the offence.

In the result, the conviction and sentence passed against the revision petitioner u/s.138 of the N.I. Act are set aside and accordingly, the revision petitioner is

acquitted thereunder.

The Crl.R.P. is disposed of as above.

P.D. RAJAN, JUDGE.

acd

