

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

Crl.Rev.Pet.No. 1455 of 2006 ()

**AGAINST THE JUDGMENT IN CRL. APPEAL 307/2001 of ADDL. SESSIONS
COURT-I, MAVELIKKARA**

AGAINST THE JUDGMENT IN CC 299/1997 of J.F.M.C., KAYAMKULAM

REVISION PETITIONER(S)/APPELLANT/ACCUSED NO.2:

**ABDUL RAHIM, S/O.MOHAMMED KANNU,
AGED 40 YEARS, PARAMBIL HOUSE, MUNICIPAL WARD NO.V,
ERUVA MURI, PATHIYOOR, KAYAMKULAM.**

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENT(S)/COMPLAINANT:

- 1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**
- 2. JOHN, S/O.JOSEPH MATHEW,
THEVALAKKATTU HOUSE, ERUVA, KAYAMKULAM
NOW RESIDING AT THEVALAKKATTU HOUSE
NANGIARKULANGARA, HARIPAD.**

R1 BY PUBLIC PROSECUTOR SRI. N. SURESH

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 09-
11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

STK

P.D. RAJAN, J.

Crl.R.P.1455 of 2006

Dated this the 9th of November, 2015

ORDER

The revision petitioners were charge-sheeted in C.C.299/97 on the file of the Judicial First Class Magistrate, Kayamkulam, for having committed an offence punishable under Section 420 r/w 34 IPC. The charge against them was that, the revision petitioner was conducting a travel agency at Bombay and the first accused in the above case is a sub agent. On 18.03.95, the first accused introduced PW1 to the second accused and in furtherance of their common intention, they promised to arrange visa for getting employment in gulf countries and as a part, they received Rs.25,000/- and passport and another Rs.5000/- to the first accused. They neither arranged visa nor returned the amount. In this circumstance, the above case was filed in the Judicial First Class Magistrate Court, Kayamkulam, which was forwarded to Kayamkulam police for investigation under Section 156(3) Cr.P.C. After

completing investigation, Kayamkulam police laid charge before trial court.

2. To prove the case, prosecution examined PW1 to PW4 and marked Exts.P1 to P5. The incriminating circumstances brought out in evidence were denied by the accused while questioning them. They did not adduce any evidence. Trial court convicted them and sentenced to undergo simple imprisonment for one year each and pay fine of Rs.15,000/- each under Section 357(3) Cr.P.C. Against that, he preferred Criminal Appeal.307/01 before Addl. Sessions Judge-I, Mavelikkara, where the conviction was confirmed and the appeal was dismissed by the appellate court. Being aggrieved by that, he preferred this revision petition.

3. When the matter came up of hearing, the learned counsel appearing for the revision petitioner contended that parties have settled the dispute and filed Crl.M.A.6188 and 6189 of 2015. I have gone through the petitions. The revision petitioner and second respondent signed in the compromise petition. The Public Prosecutor

also identified them. When this case is settled between the parties, I have no objection in allowing the compromise petition according to Section 320(6) of the Code of Criminal Procedure. When the matter is settled and compounded the offence, it shall have an effect of acquittal under Section 320(8) of the Cr.P.C. In the result, Crl.M.A.6188/2015 is allowed and conviction and sentenced passed by the trial court under Section 420 r/w 34 IPC is set aside and accused is acquitted and set at liberty.

This revision petition is disposed as above.

STK

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P.A. TO JUDGE

Sd/-
P.D. RAJAN,
JUDGE