

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

Crl.Rev.Pet.No. 2025 of 2006 ()

AGAINST THE JUDGMENT IN CRL. PPEAL 35/2000 of ADDITIONAL SESSIONS
JUDGE (SPL), KOTTAYAM DATED 11-11-2005

AGAINST THE JUDGMENT IN ST NO. 2510/1995 of JUDICIAL FIRST CLASS
MAGISTRATE COURT,PALA DATED 10-01-2000

REVISION PETITIONER(S)/APPELLANT/ACCUSED::

MATHEW JOSEPH
RESIDING AT MATTOM VEEDU, EMILY ROAD, KALPETTA
WAYANAD DISTRICT.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENT/ COMPLAINANT & STATE::

1. GEORGE JOHN
MATTATHIL KULANTHINANIYIL, KURIANADU P.O.
KOTTAYAM DISTRICT.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, COCHIN-682 031.

R1 BY ADVS. SRI.T.R.RAMACHANDRAN NAIR
SRI.V.G.ARUN
R2 BY PUBLIC PROSECUTOR SMT. SEENA RAMAKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
09-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

dlk

C.T.RAVIKUMAR, J

Crl.R.P. No.2025 of 2006

Dated this the 9th day of April, 2015

ORDER

This revision petition is filed against the conviction concurrently entered against the revision petitioner for the offence under section 138 of the Negotiable Instruments Act. The petitioner, who was the accused in S.T.No.2510/95 on the files of the court of the Judicial First Class Magistrate, Pala was convicted under section 138 of the Negotiable Instruments Act and sentenced to undergo imprisonment till the rising of the court. He was further directed to pay compensation of ₹10,00,000/- to the complainant under section 357 Cr.P.C. evidently, under section 357(3) Cr.P.C. He preferred an appeal as CrlA.No.35/2000. In the appeal the Court of the Additional Sessions Judge (Special) Kottayam confirmed the conviction as also the sentence. The revision petition is filed in the said circumstances.

2. Earlier, when this matter came up for consideration before this Court this matter was referred for mediation. Evidently, it was successfully mediated and the mediator has filed a Memorandum of Agreement under section 89 of the Code of Civil Procedure, 1908 read with Rules 24 and 25 of the Kerala Civil

Procedure (Mediation) Rules, 2008. The learned counsel appearing for the revision petitioner as also the first respondent endorsed the factum of settlement of the dispute. The report is noticed, as it is duly verified by the petitioner as also the respondent and by the learned counsel appearing on both sides. In terms of condition No.2 in the said memorandum of settlement now, Crl.M.A.No. 1944/2015 has been filed under section 147 of the N.I.Act seeking permission to compound the offence. Evidently, the offence under section 138 of the N.I. is compoundable in the light of the provisions under section 147 of the N.I.Act. In the said circumstances mentioned hereinbefore, I do not find any reason to decline the permission to compound the offence. In the result, the offence is compounded. The judgments of the Court of the Additional Sessions Judge (Special) Kottayam in Crl.A.No.35/2000 and the Court of the Judicial First Class Magistrate, Pala in S.T.No. 2510/1995 are set aside. It is made clear that the composition of the offence will have the effect of the acquittal of the revision petitioner of the charge under section 138 of the N.I.Act.

This revision petition is allowed as above.

Sd/-

C.T.RAVIKUMAR,JUDGE.