

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.Rev.Pet.No. 694 of 2012 ()

AGAINST THE JUDGMENT IN CRL.APPEAL 530/2011 of ADDITIONAL SESSIONS
JUDGE (ADHOC-I), ERNAKULAM DATED

AGAINST THE JUDGMENT IN CC 160/2009 of J.M.F.C. - II, PERUMBAVOOR

REVISION PETITIONER/APPELLANT/ACCUSED:

V.K.PAREED AGED 57 YEARS
VELLAPPALLY HOUSE, KANJIRAKKAD KARA, RAYONPURAM.P.O.
PERUMBAVOOR.

BY ADV. SRI.ANEESH JOSEPH

RESPONDENTS/RESPONDENTS/COMPLAINANT AND STATE:

1. LT.CO.MATHEW JOSEPH (RETIRED), AGED 56 YEARS
S/O.LATE P.V.JOSEPH, THEKKEL HOUSE
RESIDING AT DOON VILLA, THIRUVANKULAM.P.O.
PIN-682 305.

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.682 031.

R1 BY ADV. SRI.P.THOMAS GEEVERGHESE
R2 BY PUBLIC PROSECUTOR SRI.R.GITESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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B.SUDHEENDRA KUMAR, J.

Crl.R.P. No. 694 of 2012

Dated this the 29th day of September, 2015

ORDER

Crl.M.A. No. 4578 of 2015 has been filed jointly by the petitioner and the 1st respondent, who is the complainant before the trial court praying for granting permission to compound the offence. It is stated that the subject-matter of the dispute has been settled between the parties. The revision petitioner deposited an amount of Rs.5,000/- (Rupees five thousand only) before the Kerala State Legal Services Authority as directed by this Court, as per Order dated 18.09.2015 as per the direction of the Apex Court in **Damodar S. Prabhu v. Sayed Babalal [2010 (2) KLT 587 (SC)]**. The offence under Section 138 of the Negotiable Instruments Act, 1881 ("the N.I.Act for short) is compoundable under Section 147 of the N.I Act. Since the matter has been settled between the parties, I am of the view that it is only just

and proper to permit the parties to compound the offence. Accordingly, permission stands granted and the composition stands recorded, which is having the effect of acquittal under section 320 (8) of Cr.P.C.

2. In the result, this Revision Petition stands allowed, acquitting the appellant under section 320(8) Cr.P.C.

I make it clear that the 1st respondent shall be at liberty to withdraw the amount deposited by the revision petitioner before the trial court as agreed to by both sides in the compounding petition, on filing proper application before the trial court.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

//TRUE COPY//

P.A.TO JUDGE

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