

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Crl.Rev.Pet.No. 1553 of 2009 ()

AGAINST THE JUDGMENT IN CRA 328/2008 OF ADDL. SESSIONS
COURT (ADHOC)-1 KOTTAYAM DATED 18-02-2009

AGAINST THE JUDGMENT IN ST 262/2007 of J.M.F.C - II,
CHENGANACHERRY DATED 22-04-2008

REVISION PETITIONER(S)/ACCUSECD:

TOM VARGHESE
MOOLAYIL HOUSE, PUTHENCHANDA.P.O, VAKATHANAM.

BY ADV. SRI.S.SACHITHANANDA PAI

RESPONDENT(S)/RESPONDENTS:

1. JACOB K.KURIAN
S/O.K.K. KURIEN, KAYYALATHU HOUSE, PATHAMUTTOM.P.O.

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

R1 BY ADV. SRI.M.P.MADHAVANKUTTY

R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

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

B.SUDHEENDRA KUMAR, J.

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Crl.R.P. No. 1553 of 2009

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Dated this the 9th day of September, 2015

ORDER

Crl.M.A. No. 4719 of 2015 has been filed jointly by the revision petitioner and the 1st respondent, who is the complainant before the trial court praying for recording the composition. It is stated that the subject-matter of the dispute has been settled between the parties. The revision petitioner deposited an amount of Rs.3,000/- (Rupees three thousand only) before the Kerala State Legal Services Authority as directed by this Court as per Order dated 2nd September, 2015. 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 revision petitioner under section 320(8) Cr.P.C.

The amount, if any, deposited by the revision petitioner shall be reimbursed to the revision petitioner if the revision petitioner files application before the trial court in this regard.

**Sd/-B.SUDHEENDRA KUMAR
JUDGE**

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P.S. to Judge