

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

CRL.REV.PET.NO. 1099 OF 2012 (B2)

**AGAINST THE JUDGMENT IN CRL.A 239/2010 OF I ADDL.SESIONS COURT,
THIRUVANANTHAPURAM DATED 21-02-2012**

**AGAINST THE JUDGMENT IN ST 2953/2008 OF J.M.F.C.-I, THIRUVANANTHAPURAM DATED
27-02-2010**

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

**MANJUSHA,
W/O.SANTHOSH KUMAR J.S., MANOJ NIVAS, TC 55/916,
STREET-7, SNA 717, SANKAR NAGAR,
KARAMANA, THIRUVANANTHAPURAM.**

BY ADV. SRI.V.K.SUNIL

RESPONDENT(S)/RESPONDENTS/COMPLAINANT & STATE:

**1. KRISHNA KUMAR P.,
S/O.REGHUNATHAN NAIR, TC 29/1185, THARA NIVAS,
PALKULANGARA, THIRUVANANTHAPURAM - 695 001.**

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

**R1 BY ADV. SRI.D.KISHORE
R2 BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
04-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

OKB

K.HARILAL, J.

Crl.M.Appl. No.2854 of 2015
in
Crl.R.P. No.1099 of 2012

Dated this the 4th day of June, 2015

O R D E R

The Revision Petitioner is the accused in S.T. No.2953/2008 on the files of the Judicial First Class Magistrate's Court-I, Thiruvananthapuram as well as the appellant in Criminal Appeal No.239/2010 on the files of the court of the I Additional Sessions Judge, Thiruvananthapuram. She was prosecuted for the offence punishable under Section 138 of the Negotiable Instruments Act (for short, 'N.I. Act') on a complaint filed by the first respondent herein. After trial, the learned Magistrate found the Revision Petitioner guilty of the offence punishable under Section 138 of the N.I. Act and convicted thereunder. She was sentenced to undergo simple imprisonment for one month and also directed to pay a fine of Rs.50,000/-, which, if realised, shall be paid to the first respondent as compensation.

In default, to undergo simple imprisonment for a period of one month. Though the Revision Petitioner had preferred an appeal, the Appellate Court also confirmed the conviction but modified the sentence. The accused was sentenced to undergo simple imprisonment for one day till rising of the court and to pay a compensation of Rs.55,000/- to the complainant under Section 357(3) of the Cr.P.C. and in default, to undergo simple imprisonment for one month. This Revision Petition is filed challenging the concurrent findings of conviction and modified sentence.

2. Now the Revision Petitioner along with the first respondent filed this CrI.M.A. under Section 147 of the N.I. Act read with Section 320 of the Cr.P.C. In this petition, it is specifically stated that the subject matter of the above Revision Petition has been settled between the Revision Petitioner and the first respondent out of court and now the first respondent is not desirous of prosecuting the case against the Revision Petitioner. They jointly sought for permission of the Court for compounding the offence.

3. The learned counsel for the first respondent also

submits that the averments in the petition are true and correct to his knowledge and belief also. It is seen that the Revision Petitioner has deposited Rs.1,000/-as cost to Kerala State Legal Services Authority in compliance with the direction of the Supreme Court in the decision Damodar S. Prabhu v. Sayed Babalal [2010(2) KLT 587 (SC)].

4. As I am satisfied with the averments in the petition signed by both the parties and countersigned by the respective counsel appearing for the parties, permission is granted to compound the offence and composition is recorded.

Sd/-
K. HARILAL, JUDGE

okb.

K.HARILAL, J.

Crl.R.P. No.1099 of 2012
-----Dated this the 4th day of June, 2015.O R D E R

During the pendency of this revision filed against the conviction and sentence of the revision petitioner under Section 138 of the Negotiable Instruments Act, the parties have settled the matter and have filed Crl.M.A. No.2854/2015 to the effect that the matter has been compounded. The said petition has been signed by the revision petitioner as well as the first respondent and their respective counsel. In the light of this, Crl.R.P. is disposed of and the judgments under appeal are set aside and the composition of the offence is recorded.

2. It is needless to mention that this composition shall have the effect of acquittal of the revision petitioner of the offence punishable under Section 138 of the N.I. Act within the meaning of Section 320(8) Cr.P.C.

Sd/—

K. HARILAL, JUDGE

okb.