

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

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

Crl.Rev.Pet.No. 1124 of 2012 ()

AGAINST THE JUDGMENT IN CRL.A 205/2010 of II ADDL.SESIONS JUDGE,
KOLLAM

AGAINST THE JUDGMENT IN ST 266/2007 of J.M.F.C. - III, KOLLAM

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

THULASEEDHARAN.J.
GANAPATHY NIVAS, CHEMMAKKAD P.O., PERINAD
KOLLAM DISTRICT.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENT(S)/RESPONDENTS/COMPLAINANT AND THE STATE:

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1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. M/S. SREE GOKULAM CHIT & FINANCE CO.PVT.LTD.
BISHOP JEROME NAGAR, KOLLAM
REP.BY AUTHORISED REPRESENTATIVE M.G.SUNILKUMAR
S/O.GOPALAKRISHNA PANICKER
RESIDING AT AYYAPPAJYOTHI
PKP KAVALA, KUZHIMATHIKKAD, KUNDARA, KOLLAM DISTRICT-691501

R2 BY ADV. SRI.K.S.BABU
R2 BY ADV. SMT.N.SUDHA
R2 BY ADV. SRI.BABU SHANKAR
R1 BY SENIOR PUBLIC PROSECUTOR SRI.P.P.PADMALAYAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
09-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T. RAVIKUMAR, J.

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CRL.R.P No.1124 OF 2012

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Dated this the 9th day of November, 2015

ORDER

This criminal revision petition is filed against the judgment in Crl.Appeal No.205 of 2010 passed by the Court of II Additional Sessions Judge, Kollam confirming the conviction but modifying the sentence passed by the Court of Judicial First Class Magistrate-III, Kollam in S.T.No.266 of 2007. The matter was sent to the Lok Adalat and a settlement was arrived at. As per the settlement, after deducting an amount of ₹40,000/- which was deposited by the revision petitioner before the trial court, a balance amount of ₹32500/- was to be deposited/to be paid to the second respondent.

2.Now, a statement has been filed on behalf of the second respondent to the effect that in terms of the settlement arrived at the Lok Adalat, the revision petitioner has paid the balance amount of

₹32500/-. Thus it is obvious that in terms of the settlement, the balance amount of ₹32500/- was also received by the second respondent. The offence involved in this case is one under section 138 of the Negotiable Instruments Act. The factum of composition of the offence alleged against the revision petitioner and the payment of compensation in terms of the settlement is recorded. In terms of the provisions under section 147, N.I.Act, an offence under section 138, N.I.Act is compoundable. In view of the circumstances explained above, the offence is compounded against the revision petitioner. It is made clear that the composition will have the effect of acquittal of the revision petitioner of the aforesaid offence.

Sd/-
C.T. RAVIKUMAR
(JUDGE)

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010