

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

Cr1.Rev.Pet.No. 2320 of 2005 ()

AGAINST THE JUDGMENT IN CRA 393/2004 of SESSIONS COURT,KOZHIKODE
DATED 30-05-2005

AGAINST THE JUDGMENT IN CC 660/2003 of J.M.F.C.-III,KOZHIKODE

REVISION PETITIONER/APPELLANT/ACCUSED::

GOVIDANKUTTY NAIR
S/O. CHAPPU NAIR, `VAISHAK', KOLATHUR P.O.
ATHOLI VIA., CALICUT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S)/COMPLAINANT & STATE::

1. MAHESWARI FINANCE & INVESTMENTS,CALICUT
KALLAI ROAD, CALICUT, REPRESENTED BY
MANAGING PARTNER, K. DINESAN, S/O. NARAYANAN.

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

R1 BY ADV. SRI.T.G.RAJENDRAN
BY PUBLIC PROSECUTOR SMT SEENA RAMAKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 11-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.D.RAJAN, J

.....
Crl.R.P.No.2320 of 2005

.....
Dated 11th August 2015

ORDER

This revision petition is preferred against the judgment in Crl.A.No.393 of 2004 of Sessions Court, Kozhikode which was filed under Section 138 of N.I.Act. When the matter came up for hearing, revision petitioner and respondents submitted that they settled the matter out of court and the entire amount was given to the first respondent. Accordingly, they filed a joint statement today. First respondent was represented by its Managing partner. In the circumstance, parties are permitted to compound the matter and the composition shall have the effect of acquittal under Section 320(8) Cr.P.C. When this matter is compounded by the parties, the conviction and sentence passed by the trial court in C.C.No.660 of 2003 of Judicial First Class Magistrate III, Kozhikode is to be set aside.

In the result, the conviction and sentence passed under Section 138 of N.I.Act is set aside and the accused

is set at liberty provided the revision petitioner shall deposit Rs.10,000/- as directed by the Apex Court. If the revision petitioner fails to pay the amount it can be realised from him as per law.

P.D.RAJAN, JUDGE

lgk