

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Crl.Rev.Pet.No. 2058 of 2007 ()

CRA 325/2006 of SPL. COURT (NDPS ACT CASES), THODUPUZHA
CC 217/2004 of J.M.F.C., KATTAPPANA

REVISION PETITIONER/APPELLANT/ACCUSED:

SHAJAN JACOB, VALIYAPADINJARAYIL
HOUSE, KATTAPPANA VILLAGE, KUNTHALAMPARA KARA.

BY ADV. SRI.P.V.CHANDRA MOHAN

RESPONDENTS/COMPLAINANT:

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1. RUBY, S/O.ABRAHAM,
VEZHAMBATHOTTATHIL HOUSE, KATTAPPANA VILLAGE
KUNTHALAMPARA KARA.
 2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERANAKULAM.

R1 BY ADV. SRI.SHAJI THOMAS PORKKATTIL
R1 BY ADV. SRI.BINU PAUL
R2 BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
28-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.2058 of 2007

Dated this the 28th day of October 2015

ORDER

Crl.M.A. No. 5948 of 2015 has been filed jointly by the revision petitioner and the first respondent herein, who is the complainant before the trial court praying for permitting the parties to compound the offence. The offence under Sec. 138 of the N.I.Act is compoundable under Sec.147 of the N.I.Act. This Court has exempted the revision petitioner from payment of any amount as a condition precedent to compound the offence as held by the Apex Court in **Damodar S. Prabhu v. Sayed Babalal** [2010 (2) KLT 587 (SC)], as per the order

dated 28.10.2015 in Crl.M.A. No.6056 of 2015. Since the matter has been settled between the parties, it is only just and proper to permit the parties to compound the offence and accordingly, permission stands granted and the composition stands recorded which is having the effect of acquittal under Section 320 (8) Cr.P.C.

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

I make it clear that the revision petitioner is entitled to reimbursement of the amount, if any, deposited by him before the trial court, in connection with this case.

Sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

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PA to Judge