

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Crl.Rev.Pet.No. 1785 of 2012 ()

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CRA 272/2010 of ADDL.SESIONS COURT, KOTTAYAM
IN CC 83/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, VAIKOM
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REVISION PETITIONER/APPELLANT/ACCUSED :

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LUKOSE PUTHANPURAYIL,
PUTHENPURAYIL HOUSE, KALLARA SOUTH P.O.,
KALLARA VAIKAM TALUK, KOTTAYAM.**

BY ADV. SRI.P.M.NATESAN

RESPONDENTS/RESPONDENT/RESPONDENT AND STATE :

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1. RAJEESH T.R.
S/O RAVEENDRAN, THADATHIL HOUSE, KALLARA SOUTH P.O.,
KALLARA, KOTTAYAM, PIN:686611.**

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

R1 BY ADV. SRI.A.C.DEVY

R2 BY PUBLIC PROSECUTOR SMT. SEENA RAMAKRISHNAN

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 13-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

bp

C.T. RAVIKUMAR, J.

Crl.R.P.No.1785 of 2012

Dated this the 13th day of March, 2015

ORDER

This revision petition has been filed against the conviction concurrently entered against the revision petitioner under Section 138 of the Negotiable Instruments Act. In CC No.83/2010, the revision petitioner was found guilty by the trial court. Accordingly, he was convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.5 lakhs. The said amount was directed to be paid as compensation under Section 357 (1) of the Code of Criminal Procedure Code upon its realisation. In default of payment of compensation, the petitioner was ordered to undergo simple imprisonment for a further period of six months. In Criminal Appeal No.272/2010 filed against the said judgment, the conviction was confirmed. However, the sentence was modified. The substantial sentence was modified as imprisonment till rising of the Court and the direction to pay fine of Rs.5 lakhs was interfered with and the revision petitioner was directed to pay compensation of

Rs.5 lakhs to the complainant under Section 357(3) of the Code of Criminal Procedure. In default of payment of compensation, the revision petitioner was ordered to undergo simple imprisonment for six months. This revision petition has been filed against the said judgment.

2. Now, CrI.M.A.No.1191/2015 has been filed in this revision petition by the parties under Section 147 of the Negotiable Instruments Act seeking permission of this Court to compound the said offence. In the light of the provisions of Section 147 of the Negotiable Instruments Act and an offence under Section 138 is compoundable.

3. I have heard the learned counsel on both sides and perused the petition. Taking into account the submissions of the learned counsel on both sides that the matter has settled as stated in CrI.M.A.No.1191/2015, I find no reason to decline permission to compound the offence. In the result, taking into account the fact that the parties have amicably settled the matter, permission is granted to compound the offence under Section 147 of the Negotiable Instruments Act. Consequently, the judgment in Criminal Appeal No.272/2010 from the Court of Sessions, Kottayam and the judgment in CC No.83/2010 of the

Court of Judicial First Class Magistrate-II, Vaikom are set aside. It is made clear that the composition of the offence will have the effect of acquittal of the offence under Section 138 of the Negotiable Instruments Act.

Revision Petition is allowed as above.

JV

Sd/-
C.T. RAVIKUMAR,
JUDGE