

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.Rev.Pet.No. 1835 of 2012 ()

AGAINST THE JUDGMENT IN CRA 141/2009 of SESSIONS COURT, THALASSERY
DATED 11-05-2012
AGAINST THE JUDGMENT IN STC 40/2005 of J.M.F.C.M (MUNSIFF), PAYYANNUR
DATED 03-03-2009

REVISION PETITIONER(S):

CHELLAN PUTHIYA PURAYIYL MOIDEEN
SON OF MUHAMMED KUNHI
S.V HOUSE, MADAI, KANNUR DISTRICT

BY ADVS.SRI.S.M.PREM
SMT.K.P.SANTHI
SRI.P.K.NIJOY

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
2. THEKKE THIVALAPPIL ABDUL SALAM HAJI
NEAR MOIDEEN PALLI, PUTHIYANGADI P.O, MADAYI, PIN 670304

R2 BY ADV. SRI.V.T.MADHAVANUNNI
R2 BY ADV. SRI.P.P.SURESHKUMAR (AMBADIYIL)
R1 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
02-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T. RAVIKUMAR, J.

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Crl.R.P. No.1835 OF 2012

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Dated this the 2nd day of February, 2015

ORDER

The petitioner was the accused in S.T.C.No.40 of 2005 on the files of the Court of Judicial First Class Magistrate (Munsiff), Payyannur. He was convicted and sentenced under section 138 of the Negotiable Instruments Act and Crl.Appeal No.141 of 2009 filed against the same was dismissed by the Court of Additional Sessions Judge, Thalassery. This revision petition has been filed against the said judgment. When this matter is taken up for consideration, the learned counsel for the second respondent submitted that the amount of cost directed to be paid as order dated 10.11.2014 was already deposited. As per the said order, this Court made it clear that if the cost is paid and proof of payment of the amount is produced, then the application viz., Crl.M.A.No.6642/2014 filed for compounding the offence under section 147, NI Act would stand allowed otherwise it

would stand dismissed. Evidently, the time stipulated thereunder was subsequently extended and it is within the extended time that the payment is effected. In such circumstances, in the light of order dated 10.11.2014, the application for compounding the offence filed by the petitioner and the first respondent under section 147, NI Act and section 482 Cr.P.C stands allowed. Consequently, the judgment of the Court of the Additional Sessions Judge, Thalassery in Crl.A.No.141 of 2009 dated 11.5.2012 and the judgment of the Court of the Judicial First Class Magistrate (Munsiff), Payyannur in S.T.C.No.40 of 2005 are set aside. It is made clear that the composition will have effect of acquittal of the revision petitioner of the offence under section 138, NI Act.

This revision petition is allowed as above.

Sd/-
C.T. RAVIKUMAR
(JUDGE)

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010