

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Crl.Rev.Pet.No. 2618 of 2009 ()

AGAINST THE JUDGMENT IN CRL.APPEAL 146/2004 of
ADDL.SESIONS COURT (ADHOC)-III, THALASSERY DATED 27-11-
2008

AGAINST THE JUDGMENT IN CC 105/1999 of J.M.F.C.,TALIPARAMBA
DATED 30-01-2004

REVISION PETITIONER(S)/APPELLANTS/ACCUSED:

1. CHUNDAYIL RAMESAN
S/O.BALAN, AGED 32 YEARS, COOLIE
PULINPARAMBA, TALIPARAMBA TALUK.

2. MLATHADATHIL VINOD,
S/O.GOPALAN, PAINTING, PULINPARAMBA
TALIPARAMBA P.O., TALIPARAMBA TALUK.

BY ADV. SRI.S.RAJEEV

RESPONDENT(S)/STATE:

STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM (CRIME NO.513 OF 1998 OF TALIPARAMBA
POLICE STATION).

ADDL. 2ND RESPONDENT:

GANGADHARAN, AGED 34 YEARXS,
S/O. GOVINDAN, RESIDING AT PULINPARAMBIL,
TALIPARAMBU, KANNUR
(IMPEADED AS PER ORDER IN CRL.M.A. NO. 5594 OF 2015
DATED 8-10-2015)

R1 By PUBLIC PROSECUTOR SRI. R. GITHESH

R2 BY ADV.SRI.C.VINODKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 08-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

B. SUDHEENDRA KUMAR, J.

.....
Crl.R.P. No. 2618 of 2009
.....

Dated this the 8th day of October, 2015

ORDER

Crl.M.A. No. 5594 of 2015

Heard. The second second respondent stands impleaded as prayed for.

Crl.R.P. No. 2618 of 2009

CM application No. 5595 of 2015 has been filed by the revision petitioners praying for granting permission to compound the offence. CM application No.5596 of 2015 has been filed jointly by the revision petitioner and the second respondent herein, who is the de facto complainant before the trial Court, praying for recording the composition stating that the matter has been settled between the parties.

2. The conviction was under Sections 341 and 325 read with Sec. 34 IPC. Both the said offences are compoundable under Sec. 320 Cr.P.C.

3. Since the subject-matter of dispute has been settled between the parties, it is only just and proper to grant permission to the parties to compound the offence. It has been submitted by the learned Advocates on both sides that the parties have settled the matter voluntarily. Since the parties have settled the matter voluntarily, I am of the view that it is just and proper to grant permission to them to settle the matter. Accordingly, permission stands granted and composition stands recorded, which is having the effect of acquittal under Section 320 (8) Cr.P.C.

4. In the result, this Revision Petition stands allowed acquitting the revision petitioners under Sec. 320 (8) Cr.P.C.

The revision petitioners are entitled to get reimbursement of the amount, if any, deposited by them before the court in connection with this case.

Sd/-B. SUDHEENDRA KUMAR,
JUDGE.

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P.S. To Judge