

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Crl.Rev.Pet.No. 807 of 2008 ()

AGAINST THE JUDGMENT IN CRL.A. NO.272/2007 OF ADDITIONAL SESSIONS
COURT, FAST TRACK-II, ALAPPUZHA DATED 27-11-2007.
AGAINST THE JUDGMENT IN CC. NO.8/2007 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-II, CHERTHALA DATED 21/03/2007.

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REVISION PETITIONER/APPELLANT/ACCUSED:

ANIL RAVEENDRAN, SANKARAM HOUSE,
C.M.C.XVI, CHERTHALA P.O., CHERTHALA.

BY ADVS.SMT.C.G.BINDU,
SMT.C.G.AJITHA.

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

- 1. N.T. SUGUNAN, NIKARTHIL VEEDU,**
C.M.C.XVI, CHERTHALA P.O.
- 2. STATE OF KERALA,**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.J.OM PRAKASH.
R2 BY PUBLIC PROSECUTOR SRI.N. SURESH.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rs.

C.T.RAVIKUMAR, J

Crl.R.P.No. 807 of 2008

Dated this the 27th day of February, 2015

ORDER

The revision petitioner-accused in C.C.No.8 of 2007 on the files of the Court of the Judicial First Class Magistrate-II, Cherthala was tried for an offence under section 138 of the Negotiable Instruments Act and he was guilty and convicted thereunder. Upon such conviction he was sentenced to undergo simple imprisonment for six months and to pay a compensation of ₹.1,00,000/ and in default of payment of fine to undergo simple imprisonment for three months. The accused took up the matter in appeal as Crl.A.No.272/2007 before the Court of the Additional Sessions Judge, Fast Track-II, Alappuzha and the appeal was dismissed. It is against the said judgment that the captioned revision petition has been filed. Pending the revision petition the revision petitioner and the first respondent who are respectively the accused and the complainant in C.C.No.8/2007 amicably settled matter and filed Crl.M.A No.8061/2014 seeking permission to compound the offence under

section 147 of the Negotiable Instruments Act. True that, in terms of section 147, N.I.Act the offence under section 138, N.I.Act is compoundable and the question whether offence under section 138, N.I.Act could be compounded at the appellate stage or thereafter is also no more *res integra* in the light of the decision of the Hon'ble Apex Court in **K.M.Ibrahim v K.P. Mohammed** reported in AIR 2010 SC 276. In the light of the dictum laid down by the Hon'ble Apex Court in the aforesaid decision there cannot be any doubt with respect to the position that even at the stage of revision compounding of an offence under section 138, N.I.Act is possible and permissible. The learned counsel on both sides endorsed the statement in Crl.M.A.No.8061/2014 to the effect that the issues involved in this proceedings have been settled amicably between the complainant and the accused. The compromise duly verified by the parties is brought on record and it is noticed. In the circumstances, I do not find any reason to decline permission to compound the aforesaid offence and accordingly, imbibing the spirit of section 147, N.I.Act I allow the parties to compound the offence in terms of the settlement arrived at between them. Consequently, the judgment of the Court of the Additional Sessions Judge, Fast Track-II, Alappuzha

in Crl.A.No.272/2007 and the judgment of the Court of the Judicial First Class Magistrate-II, Cherthala in C.C.No.8/2007 are set aside. It is made clear that the composition will have the effect of acquittal of the revision petitioner for the charge under section 138 of the Negotiable Instruments Act. In view of the settlement, the revision petitioner is permitted to apply and obtain refund of amount of Rs.20,000/- which is remaining in deposit before the trial court.

The revision petition is allowed as above.

Sd/-

C.T.RAVIKUMAR,JUDGE.

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