

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Crl.Rev.Pet.No. 49 of 2015 ()

AGAINST THE JUDGMENT IN CRA 258/2012 of ADDL. D.C. & SESSIONS COURT - II, NORTH PARAVUR DATED 30-09-2014

AGAINST THE JUDGMENT IN CC 25/2008 of J.M.F.C. - II, PERUMBAVOOR DATED 23-02-2012

REVISION PETITIONER/APPELLANT/ACCUSED:

V.K.PAREETH AGED 59 YEARS
S/O.KUNJEEN PILLA, BUSINESSMAN, VELLAPPILLY HOUSE
KANJIRAKKADU KARA, RAYONPURAM P.O., PERUMBAVOOR.

BY ADV. SRI.K.P.SREEKUMAR

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

1. LT.COL.MATHEW JOSEPH (RETD.), AGED 57 YEARS
S/O.LATE P.V.JOSEPH, THEKKEL HOUSE
RESIDING AT DOON VILA, THIRUVAMKULAM P.O.
PIN - 682 305.
 2. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA - 682 031.
- R1 BY ADV. SRI.P.THOMAS GEEVERGHESE
BY ADV. SRI.TONY THOMAS (INCHIPARAMBIL)
R2 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 04-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No. 49 of 2015

Dated this the 4th day of September, 2015

ORDER

Crl.M.A. No. 4465 of 2015 has been filed jointly by the petitioner and the 1st respondent, who is the complainant before the trial court praying for recording the composition. It is stated that the subject-matter of the dispute has been settled between the parties. The revision petitioner deposited an amount of Rs.5,000/- (Rupees five thousand only) before the Kerala State Legal Services Authority as directed by this Court as per Order dated 17.08.2015 in Crl.M.A.4575 of 2015. The offence under Section 138 of the Negotiable Instruments Act, 1881 ("the N.I.Act for short) is compoundable under Section 147 of the N.I Act. Since the matter has been settled between the parties, I am of the view that it is only just and proper to permit the parties to compound the offence. Accordingly, permission stands granted and the composition stands

recorded, which is having the effect of acquittal under section 320 (8) of Cr.P.C.

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

Needless to say that the 1st respondent shall be at liberty to withdraw the amount, if any, deposited by the petitioner before the trial court in this case, as agreed by both parties in the compromise petition, on filing appropriate application before the trial court.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

sm/