

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Crl.Rev.Pet.No. 117 of 2015 ()

AGAINST THE JUDGMENT IN CRL.A 412/2011 OF COURT OF ADDL. SESSIONS
JUDGE-III/ADDL.MACT, MANJERI DATED 30.10.2014

AGAINST THE JUDGMENT IN CC 99/2010 of J.M.F.C.-II(FOREST OFFENCES),
MANJERI

REVISION PETITIONER(S):APPELLANT/ACCUSED

ABDUL KAREEM
S/O.MOHAMMEDKUTTY, PARAMBIL HOUSE
NEAR NSS KARAYODAM OFFICER, MUNDUPARAMBA P.O.
MALAPPURAM DISTRICT

BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH

RESPONDENT(S):

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1. SHABEER
S/O.ABDULLA, PERIMBALAM P.O., ANAKKAYAM AMSOM
DESOM, MALAPPURAM DISTRICT PIN-676509
 2. THE STATE OF KERALA,
REPRESENTED BY THE PUBIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.

R1 BY ADV. SRI.RANJITH R.
R2 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
23-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T. RAVIKUMAR, J.

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CRL.R.P. No.117 OF 2015

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Dated this the 23rd day of February, 2015

ORDER

This revision petition is directed against the judgment of the Court of Additional Sessions Judge-III/Additional MACT, Manjeri in Crl.A.No.412 of 2011 confirming conviction entered against as also the sentence imposed on the revision petitioner in C.C.No.99 of 2010 by the Court of Judicial First Class Magistrate-II (Forest Offences), Manjeri. The revision petitioner was tried for offence under section 138 of the Negotiable Instruments Act and upon his conviction thereunder, he was sentenced to undergo simple imprisonment for a period of four months. He was also ordered to pay an amount of ₹3,00,000/- to the complainant as compensation under section 357 (3) Cr.P.C and in default of payment of compensation to undergo imprisonment for a further period of three months. In view of the

subsequent developments detailed in Crl.M.A.No.462 of 2015 filed in this revision petition, I do not think it necessary to delve into the facts and contentions in detail. It is stated therein that the parties have settled the matter and the revision petitioner has paid the amount due under the cheque in question. The aforesaid Crl.M.A has been filed under section 147 N.I Act for compounding the offence in the said circumstances. It has been duly verified by both the parties. In the light of the provisions under section 147 N.I Act, offence under section 138 is compoundable and permission could be granted for compounding the offence even at the revisional stage. In such circumstances, I do not find any reason to decline permission to compound the offence. In such circumstances, the judgment of the Court of Additional Sessions Judge-III/Additional MACT, Manjeri in Crl.A.No.412 of 2011 and the judgment passed against the revision petitioner in C.C.No.99 of 2010 by the Court of Judicial First Class Magistrate-II (Forest Offences), Manjeri are set aside. It is made clear

that the composition of offence will have the impact of acquittal of the revision petitioner for the offence under section 138 of the N.I Act.

This revision petition is allowed as above.

Sd/-

**C.T. RAVIKUMAR
(JUDGE)**

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010

