

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937**

**Crl.Rev.Pet.No. 199 of 2015 ()**

**-----  
CRA 220/2011 of I ADDL. SESSIONS COURT, TRIVANDRUM  
ST 40/2009 of JUDICIAL FIRST CLASS MAGISTRATE - II, VARKALA  
-----**

**REVISION PETITIONER/APPELLANT/ACCUSED :**

**-----  
ABDUL HASSAN, AGED 58 YEARS,  
S/O MUHAMED MUSTAFA, HASSAN BROTHERS BUILDINGS,  
KANIYAPURAM, PALLIPPURAM VILLAGE, PALLIPPURAM P.O.,  
THIRUVANANTHAPURAM.**

**BY ADV. SRI.R.GOPAN**

**RESPONDENTS/RESPONDENTS/STATE AND COMPLAINANT :**

- 
- 1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682031.**
  - 2. SHANAVAS, AGED 47 YEARS,  
S/O MAJEED, KUZHIVILA VEEDU, THOTTAKKADU DESOM,  
MANAMBOOR VILLAGE, CHIRAYINKEEZHU TALUK,  
THIRUVANANTHAPURAM, PIN:695611.**

**R1 BY PUBLIC PROSECUTOR SRI. REJI JOSEPH  
R2 BY ADV. SRI.HRITHWIK**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD  
ON 10-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**bp**

**B. KEMAL PASHA, J.**

.....  
Crl.R.P. No.199 of 2015  
.....

*Dated this the 10<sup>th</sup> day of July, 2015*

**ORDER**

~ ~ ~ ~ ~

Petitioner is the accused in S.T.No.40/2009 filed by the 2<sup>nd</sup> respondent herein as complainant alleging an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The learned Judicial First Class Magistrate's Court-II, Varkala has convicted and sentenced the petitioner. The petitioner has challenged the conviction and sentence through Criminal Appeal No.220/2011. Even though the appellate court has concurred with the conviction, it modified the sentence as one of imprisonment till rising of the court and an order to pay compensation of ₹5,25,000/- to the 2<sup>nd</sup> respondent under Section 357(3) Cr.P.C., and in default, to undergo simple imprisonment for three months. The revision petitioner challenges the conviction and sentence through this Crl.R.P.

2. It seems that presently the parties have come to terms and have settled the matter amicably. The 2<sup>nd</sup> respondent has compounded the offence under Section 147 of the Negotiable Instruments Act. A compromise petition has been filed, whereby it has been stated that the petitioner has paid the amount due to the 2<sup>nd</sup> respondent in the transaction. When the matter has been amicably settled between the parties and the 2<sup>nd</sup> respondent has compounded the offence under Section 147 of the Negotiable Instruments Act, the composition has the effect of acquittal.

In the result, this Crl.R.P. is allowed and the conviction and sentence passed by both the courts below stand set aside. The petitioner stands acquitted under Section 320(8) Cr.P.C.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/10/07

*// True Copy //*

*PA to Judge*