

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Crl.Rev.Pet.No. 200 of 2015 ()

**AGAINST THE JUDGMENT IN CRA 38/2011 of ADDITIONAL DISTRICT COURT (ADHOC)-
II, KALPETTA DATED 26-03-2012**

**AGAINST THE ORDER/JUDGMENT IN ST 3493/2009 of JUDICIAL FIRST CLASS
MAGISTRATE COURT - I, SULTHAN BATHERY DATED 28-01-2011**

REVISION PETITIONER/APPELLANT/ACCUSED:

**JOSHY.O.K.
S/O.KURIAKOSE, OLIMAL(HOUSE), MOOLAMKAVU(POST)
SULTHAN BATHERY, WAYANAD.**

BY ADV. SRI.ANEESH JOSEPH

RESPONDENTS/COMPLAINANT AND STATE:

**1. M/S.SREE GOKULAM CHITS AND FINANCE COMPANY PVT.LTD
KIZHAKBAGHATH COMPLEX, SULTHAN BATHERY
REPRESENTED BY ASSISTANT MANAGER, SRI.SUNIL.K.N
AGED 35 YEARS, S/O.NARAYANAN, KANDAMCHIRAYIL(H)
MYLAMPADI(PO), MEENANGADI, PIN-673591.**

**2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OFKERALA, KOCHI-31.**

**R1 BY ADV. SRI.U.P.BALAKRISHNAN
R2 BY ADV.N.SURESH, PUBLIC PROSECUTOR**

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
23-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

JV

C.T. RAVIKUMAR, J.

Crl.R.P. No.200 of 2015

Dated this the 23th day of March, 2015

ORDER

This revision petition is filed against the conviction under Section 138 of the Negotiable Instruments Act against the revision petitioner concurrently entered by the courts below. The trial Court in ST No.3493/2009 convicted the revision petitioner thereunder and sentenced him to undergo simple imprisonment for a period of three months and to pay compensation of Rs.21,000/- to the complainant under Section 357(3) Cr.P.C. In default of payment of compensation, he was directed to undergo simple imprisonment for a period of one month. Aggrieved by the same, the petitioner preferred Crl.Appeal No.38/2011. The Court of Additional Sessions Judge (Adhoc II), Kalpetta considered the appeal and found no merit in the contentions raised for challenging the said judgment. Consequently, the Appellate Court confirmed the conviction as also the sentence awarded by the trial Court. This revision petition is filed in the said circumstances.

2. In view of the subsequent developments, I do not find it necessary to go to the rival contentions on merits any further. The parties have now moved CrI.M.A. No.1548/2015 seeking permission to compound the offence under Section 147 of the Negotiable Instruments Act. Obviously, an offence under Section 138 of the Negotiable Instruments Act is compoundable under Section 147 of the Negotiable Instruments Act. A perusal of the petition as also the submissions of the learned counsel on both sides would reveal that the issue involved in this case was amicably settled by the parties. In the said circumstances, I do not find any reason to decline permission for compounding the offence.

3. Accordingly, permission is granted to compound the offence. The judgment of the Court of Additional Sessions Judge (Adhoc II), Kalpetta in CrI.Appeal No.38/2011 and the judgment in ST No.3493/2009 of the Court of Judicial First Class Magistrate - I, Sulthan Bathery are set aside. The composition of the offence will have the effect of acquittal of the petitioner under Section 138 of the Negotiable Instruments Act.

**C.T. RAVIKUMAR,
JUDGE**