

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

Crl.Rev.Pet.No. 251 of 2015 ()

AGAINST THE JUDGMENT IN CRA 224/2014 of ADDL. DISTRICT & SESSIONS
COURT - V, KOLLAM DATED 12-01-2015

AGAINST THE JUDGMENT IN ST 66/2013 of C.J.M., KOLLAM

REVISION PETITIONER/APPELLANT/ACCUSED:

SMT.P.SULEKHA, AGED 52 YEARS,
W/O.JAYACHANDRAN, SULEKHA NIVAS, HOUSE NO.32A
SAKTHIKULANGARA, KOLLAM-691581.

BY ADVS.SRI.T.V.GEORGE
SRI.JIMMY GEORGE (THADATHIL)

RESPONDENT/RESPONDENT/COMPLAINANT:

1. K.SOMARAJAN,, AGED 56 YEARS
PEAKKATHARA KIZHAKKETHARAYIL, CHAVARA, KOLLAM.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.JOHNSON GOMEZ
R BY PUBLIC PROSECUTOR:SRI.JUSTINE JACOB

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.HARILAL, J.

Crl.R.P. No. 251 of 2015

Dated this the 6th day of July, 2015

ORDER

The revision petitioner is the accused in ST No.66/2013 on the files of the Chief Judicial Magistrate's Court, Kollam, as well as the Appellant in Criminal Appeal No.224/2014 on the files of the Additional District and Sessions Judge, Kollam. He was prosecuted for the offence punishable under Sec.138 of the Negotiable Instruments Act and he was found guilty and convicted thereunder. Now as per the modified sentence imposed by the appellate court, the revision petitioner stands convicted for simple imprisonment for one day till rising of the court and to pay a fine of Rs.70,000/- and the fine amount, if realised, the entire amount will be paid to PW1, as compensation under Sec.357(1) of the Code of Criminal Procedure. In default of payment of fine, the accused will undergo simple imprisonment for a period of one month also. This revision petition is filed challenging

the concurrent findings of conviction and the modified sentence.

2. Though the revision petition has been filed on various grounds challenging the concurrent findings of conviction and sentence, on merits, during the pendency of this revision petition, the matter was referred to the Ernakulam Mediation Centre and settled amicably. The terms of settlement is also enclosed along with the report submitted by the Nodal Officer, Ernakulam Mediation Centre.

3. The learned counsel for the petitioner submits that in compliance with the settlement, the revision petitioner/accused has paid the entire amount directed to be paid as fine payable to the complainant, directly to the complainant by way of compensation and now no amount is due from the accused to the complainant under the impugned judgment.

4. The learned counsel for the 1st respondent/

complainant also submits that the entire amount directed to be paid as fine and payable as compensation has been received from the complainant and now no amount is due to him from the accused.

5. In view of the payment of compensation directly to the complainant, the learned counsel further prayed for converting the payment of fine to compensation directly payable to the complainant.

6. In view of the subsequent events, the sentence deserves to be modified. The direction to pay fine amount will stand modified to compensation directly payable to the complainant as compensation. The trial court is directed to make necessary corrections in the fine Register also.

7. What remains to be considered is the substantive sentence only. In modification of the sentence imposed by the appellate court, the accused/revision petitioner will stand sentenced to

simple imprisonment for one day till rising of the court only. It is made clear that the default sentence will not come into operation.

Sd/-
K.HARILAL
JUDGE

rsr