

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.Rev.Pet.No. 869 of 2011 ()

AGAINST THE JUDGMENT IN CRA. 762/2009 of ADDL.SESIONS COURT (ADHOC)-II,
ERNAKULAM DATED 08-12-2010
AGAINST THE JUDGMENT IN CC 2309/2008 of J.M.F.C.-I, KOCHI DATED 31-10-2009

REVISION PETITIONER(S)/APPELLANT/ACCUSED

M.G.SUBRAMANIAN
AGED 57 YEARS
S/O.GOVINDAN, NELLICKAL
KUMBALAM

BY ADVS.SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA

RESPONDENT(S)/RESPONDENTS/COMPLAINANT

1.STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT, ERNAKULAM, COCHIN-31

2.P.G.SEBASTIAN, AGED 43 YEARS
S/O.P.J GEORGE, PANASSERRY HOUSE
EDAPPALLY SOUTH VILLAGE
PALARIVATTOM, PIN-682024

R2 BY ADV. SRI.BABU CHERUKARA
R2 BY ADV. SRI.P.T.JAVALIN JOSEPH
R1 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 02-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T. RAVIKUMAR, J.

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Crl.R.P.No.869 OF 2011

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Dated this the 2nd day of February, 2015

ORDER

This revision petition is filed against the judgment dated 8.12.2010 in Crl.Appeal No.762 of 2009 of the Court of Additional Sessions Judge (Ad hoc-II), Ernakulam confirming the conviction and sentence imposed on the revision petitioner in C.C.No.2309 of 2008 by the Court of Judicial First Class Magistrate-I, Kochi. The revision petitioner was tried for the offence under section 420 of the Indian Penal Code and upon conviction thereunder, he was sentenced to undergo simple imprisonment for a period of six months. In view of the submissions made by the learned counsel on both sides endorsing the fact that during the pendency of the revision petition, the parties have entered into Annexure-A settlement, I do not think it necessary to delve into the facts or contentions in detail for the purpose of disposal

of this case. As noticed hereinbefore, the revision petitioner was tried and convicted for an offence under section 420 IPC and he was directed to undergo imprisonment for a period of six months. In the application filed under section 320 Cr.P.C, it is stated that an amicable settlement has been arrived at the Lok Adalath and the parties are seeking permission to compound the offence. A perusal of section 320 Cr.P.C would reveal that the offence under section 420, IPC is compoundable at the instance of the person who was cheated. In this case, the second respondent is the person who was cheated and the petition is filed by the second respondent for compounding the offence as against the revision petitioner. In such circumstances, Annexure-A settlement agreement which is duly verified by the parties is recorded. In view of the award passed by the Lok Adalath and taking into account the position obtained from section 320, Cr.P.C regarding the settlement of the issues, the offence is compounded. It is made clear that it will be having the impact of acquittal by virtue of section 320(8) Cr.P.C and therefore, the revision petitioner is acquitted

of all the charges. Bail bond executed by the revision petitioner will stand cancelled.

**Sd/-
C.T. RAVIKUMAR
(JUDGE)**

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010

