

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Crl.Rev.Pet.No. 267 of 2015 ()

AGAINST THE JUDGMENT IN CRA 337/2012 of ADDL. SESSIONS COURT - IV,
THIRUVANANTHAPURAM DATED 03-07-2014
AGAINST THE JUDGMENT IN ST 473/2007 of J.M.F.C.-2,THIRUVANANTHAPURAM
DATED 10-07-2012

REVISION PETITIONER(S)/APPELLANT/RESPONDENT

K.PUSHPALATHA
XVII/454, K.K.I GARDEN-II, VATTIYOORKAVU PANCHAYAT
PEROORKADA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENT(S):

1.R.BINUKUMAR
TC.36/1252(3), SREEVEL
SUBASH NAGAR,
VALLAKADAVU P.O, THIRUVANANTHAPURAM-695001

2.STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.R.RAM MOHAN
R1 BY ADV. SRI.ANOOP BHASKAR
R2 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
11-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T. RAVIKUMAR, J.

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CRL.R.P. No.267 OF 2015

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Dated this the 11th day of March, 2015

ORDER

This revision petition is filed against the concurrent conviction entered against the petitioner under section 138 of the Negotiable Instruments Act. Upon conviction under section 138 NI Act, the Court of Judicial First Class Magistrate-2, Thiruvananthapuram sentenced the petitioner to undergo simple imprisonment for nine months and she was also directed to pay an amount of ₹200000/- with 9% interest from 30.01.2007 as compensation to the complainant under section 357(3) Cr.P.C. There was no default clause in the judgment. The petitioner took up the matter in appeal as CrI.A.337 of 2012. In the appeal, the conviction was confirmed but the sentence was modified. In CrI.A.337 of 2012, the Court of the Additional Sessions Judge-IV, Thiruvananthapuram reduced the substantive sentence to imprisonment till rising of court and maintained the

direction to pay compensation. In default of payment of compensation, the petitioner was also directed undergo simple imprisonment for three months. This revision petition has been filed against the said judgment.

2. Obviously, it is the finding that the revision petitioner failed to discharge the liability towards the first respondent despite the receipt of the statutory notice issued to him pursuant to the dishonour of the cheque for discharging the legally enforceable debt within the statutorily prescribed period that led to the conviction and sentence of the petitioner. In view of the subsequent developments I think it absolutely unnecessary to deal with the contentions of the revision petitioner. Now, Crl.M.A.No.1388 of 2015 has been jointly filed by the revision petitioner and the first respondent-complainant stating that the dispute involved in this case has been settled and seeking to allow compounding of the case between them under section 147 of the N.I. Act. In the light of the provisions under section 147 N.I.Act, the

offence under section 138 NI Act is compoundable and evidently, the parties have amicably settled the matter and it has been duly verified by them. In the said circumstances, permission to compound the offence under section 138 of the N.I. Act against the revision petitioner is granted. Resultantly, the judgment passed against revision petitioner in Crl.A.No.337 of 2012 by the Court of Additional Sessions Judge-IV, Thiruvananthapuram and the judgment in S.T.No.473 of 2007 of the Court of Judicial First Class Magistrate-2, Thiruvananthapuram are set aside. The petitioner is acquitted of the offence under section 138 NI Act.

This revision petition is allowed as above.

Sd/-
C.T. RAVIKUMAR
(JUDGE)

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010

