

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Crl.Rev.Pet.No. 349 of 2015 ()

AGAINST THE JUDGMENT IN CRA 46/2009 of ADDL.SESIONS COURT (FAST
TRACK)-II, PALAKKAD DATED 28-02-2011

AGAINST THE JUDGMENT IN ST 3139/2007 of J.M.F.C.-III,PALAKKAD
DATED 29-12-2008

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

UNNIKRISHNAN, AGED 40 YEARS
S/O.PAZHANIMALA, KUZHIYAKKAD VEEDU, KALLEPULLY.P.O.
PALAKKAD TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S)/RESPONDENTS/COMPLAINANT AND STATE:

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1. B.RAGHURAJ
S/O.M.S.BALAN, YAMUNALAYAM, NEAR AYYAPPANKAVU
PIRAYIRI, PALAKKAD.
 2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SMT.SHAMSEERA. C.ASHRAF
R2 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
17-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T. RAVIKUMAR, J.

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CRL.R.P. No.349 OF 2015

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Dated this the 17th day of March, 2015

ORDER

This revision petition is filed against the concurrent conviction and sentence 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-III, Palakkad sentenced the petitioner to pay a fine of ₹1,30,000/- to the complainant and in default of payment of fine, to undergo simple imprisonment for three months. The petitioner took up the matter in appeal as Crl.A.46 of 2009 before the Court of Additional Sessions Judge (Fast Track-II), Palakkad. In the appeal, the conviction and also sentence were confirmed. Default clause was also maintained. 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 as aforesaid. 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.1441 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.46 of 2009 by the Court of Additional Sessions Judge (Fast Track-II), Palakkad and the judgment

in S.T.No.3139 of 2007 of the Court of Judicial First Class Magistrate-III, Palakkad are set aside. The petitioner is acquitted of the offence under section 138, NI Act based on the composition of the offence.

This revision petition is allowed as above.

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

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010

