

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.Rev.Pet.No. 351 of 2015 ()

AGAINST THE JUDGMENT IN CRL.APPEAL NO. 29/2007 of ADDITIONAL SESSIONS
JUDGE (ADHOC)III, KOLLAM DATED 13-12-2012

AGAINST THE JUDGMENT IN CC NO.1296/2005 of JUDICIAL FIRST CLASS
MAGISTRATE COURT-III, PUNALUR DATED 20-12-2006

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

C.K.SHAMSUDDEEN, AGED 55 YEARS
S/O. KHADER MEERAN,
CHITTUMALA THAZHAM VEEDU,
PERUMPALLOOR P.O. MOOVATTUPUZHA,
ERNAKULAM DISTRICT

BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.C.H.ABDUL RASAC

RESPONDENT(S)/COMPLAINANT & STATE:

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1. ABDUL MAJEED SAHIB
S/O.KADER ALI RAWTHER,
MUTHARAKKALA VEEDU,
KUNDAYAM, PATHANAPURAM
KOLLAM DISTRICT-689695
 2. THE STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM-682031

R1 BY ADV. SRI.U.P.BALAKRISHNAN
R2 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

dlk

C.T.RAVIKUMAR, J

Crl.R.P. No.351 of 2015

Dated this the 31st day of March, 2015

ORDER

The revisionist was the accused in C.C.No.1296/2005 on the files of the court of the Judicial First Class Magistrate-III,Punalur. He was tried for an offence under section 138 of the Negotiable Instruments Act. On being found guilty thereunder he was convicted and sentenced to undergo simple imprisonment for a period of two months and to pay a fine of Rs.1,53,000/-. In default of payment of fine he was directed to undergo simple imprisonment for three months. The amount of fine on remittance or recovery was directed to be paid to the complainant as compensation under section 357(3) of the Code of Criminal Procedure. Aggrieved by the same the revision petitioner preferred Crl.A.No.29/2007. The appellate court found no merit in the contentions taken up by the revision petitioner and subsequently dismissed the appeal confirming the conviction as also the sentence imposed by the trial court. This revision petition is filed in the said circumstances. Crl.M.A.No.1444/2015 has been filed in this revision petition seeking permission for compounding the offence

under section 147 of the N.I.Act. There cannot be any doubt with respect to the position that an offence under section 138 is compoundable under section 147 of the N.I.Act. I have heard the learned counsel for the revision petitioner as also the first respondent. The learned counsel on both sides endorsed the fact that the dispute involved in this matter has been amicably settled between the parties, as has been stated in the petition. The parties have duly verified the petition. In the said circumstances, taking into account the fact that the issues involved is amicably settled between the parties I do not find any reason to decline the permission sought for. Accordingly, the permission is granted for compounding the offence under section 138 of the N.I.Act. The judgment in Crl.A.No. 29/2007 of the Court of the Additional District and Sessions Judge (Adhoc)III, Kollam and the judgment of the court of the Judicial First Class Magistrate-III, Punalur in C.C.No.1296/2005 are set aside. It is made clear that the composition of the offence will have the effect of acquittal of the revision petitioner of the charge under section 138 of the N.I.Act. This revision petition is allowed.

Sd/-

C.T.RAVIKUMAR,JUDGE.