

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Crl.Rev.Pet.No. 465 of 2015 ()

AGAINST THE JUDGMENT IN CRA 191/2010 of COURT OF ADDITIONAL SESSIONS
JUDGE (ADHOC)-I, KALPETTA DATED 20-09-2012

AGAINST THE JUDGMENT IN ST 720/2009 of J.M.F.C.-I,SULTHANBATHERY
DATED 02-08-2010

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

SAJEEV P.S., AGED 50 YEARS
S/O.PADMANABHAN, PARAKKAL HOUSE, KARANI P.O
MEENANGADI, BATHERY, WAYANAD DISTRICT

BY ADV. SRI.MATHEW KURIAKOSE

RESPONDENT(S):

1. M/S. DHANASHILPI CHITS (P) LTD.
DHANASHILPI BUILDING, COLLEGE ROAD, SULTHAN BATHERY
REPRESENTED BY ITS REPRESENTATIVE
SRI.DIVAKARAN V.K.S/O. KUNHAN CHETTY, AGED 47 YEARS
VEMBILATH (H), MOODAKOLLY P.O., VAKERY, SULTHAN BATHERY
WAYANAD DISTRICT- PIN 673 592

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

R1 BY ADV. SRI.M.H.HANIL KUMAR

R2 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T. RAVIKUMAR, J.

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CRL.R.P. No.465 OF 2015

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Dated this the 10th day of April, 2015

ORDER

This revision petition is filed against the conviction concurrently entered against and the sentence imposed against the petitioner under section 138 of the Negotiable Instruments Act. Upon such conviction, the Court of Judicial First Class Magistrate-I, Sulthan Bathery sentenced the petitioner to undergo simple imprisonment for a period of three months and was directed to pay a compensation of ₹59,000/- to the complainant under section 357(3) Cr.P.C and in default of payment of fine, to undergo simple imprisonment for one month. The petitioner took up the matter in appeal as Crl.A.No.191 of 2010 before the Court of Additional Sessions Judge (Ad hoc-I), Kalpetta. In the appeal, the conviction was confirmed and the sentence was modified. The substantive sentence was reduced to imprisonment till the rising of court and the direction to pay compensation was maintained. In default of payment of compensation, the petitioner was directed to 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 had 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.1928 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 amicably between them and seeking to allow compounding of the case 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.191 of 2010 by the Court of Additional Sessions Judge (Ad hoc-I), Kalpetta and the judgment in S.T.No.720 of 2009 of the Court of Judicial First Class Magistrate-I, Sulthan Bathery 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/

