

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 19TH DAY OF MAY 2015/29TH VAISAKHA, 1937

Crl.Rev.Pet.No. 583 of 2015

**CRL.A.NO.598/2012 OF SESSIONS COURT, THIRUVANANTHAPURAM,
DATED 22.11.2014**

**AGAINST THE JUDGMENT DATED 26.11.2012 IN C.C.NO.712/2009 OF
THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL**

REVISION PETITIONER(S)/APPELLANT/ACCUSED :

**AUGUSTIN LAZER,
S/O.LAZER, SONI BHAVAN, AISWARYA NAGAR,
KADAKAMPALLI VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/RESPONDENT/STATE/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. ROBERTSON,
S/O.SAKKARIYAS, BABITHA BHAVAN, PUTHUKURICHI DESOM,
KADINAMKULAM VILLAGE, THIRUVANANTHAPURAM, PIN-69 5011.**

**R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN
R2 BY ADV. SRI.R.GOPAN**

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 19-05-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

Msd.

B. KEMAL PASHA, J.

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Crl.R.P. No.583 of 2015
.....

Dated this the 19th day of May, 2015

ORDER

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Admitted. The 2nd respondent appears.

2. Heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent.

3. The petitioner is the accused in C.C.712/2009 of the Judicial First Class Magistrate's Court-I, Attingal, who stands convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act, 1881. The petitioner has preferred an appeal on the conviction and sentence, before the Sessions Court, Thiruvananthapuram as Criminal Appeal No.598/2012. The appeal was allowed in part by confirming the conviction and modifying the sentence.

4. Presently, the parties have jointly filed Crl.M.A.No.2600/2015 whereby the matter has been

compounded under Section 147 of the Negotiable Instruments Act. The entire amount has already been paid by the petitioner to the 2nd respondent and the 2nd respondent has been fair enough to compound the offence. When the entire amount has been paid and the matter has been compounded, it is only just and proper in the interest of justice to allow this Crl.R.P., thereby setting aside the conviction and sentence passed by both the courts below in the matter.

In the result, this Crl.R.P. is allowed and the conviction and the conviction and sentence are set aside. The composition of the offence is accepted. The composition of the offence has the effect of acquittal as per Section 320(8) Cr.P.C., and thereby the petitioner is acquitted. The petitioner is set at liberty forthwith.

Sd/-
(B.KEMAL PASHA, JUDGE)