

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

Crl.Rev.Pet.No. 632 of 2015 ()

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Crl.A 176/2008 of ADDITIONAL DISTRICT & SESSIONS COURT (ADHOC-I), PATHANAMTHITTA DATED 11-08-2010

ST 913/2006 of J.M.F.C.-II, PATHANAMTHITTA DATED 30-06-2008

REVISION PETITIONER(S)/ACCUSED:

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K.V.MARIKUTTY  
W/O.MATHEW, RESIDING AT KANICHUKATTU VEEDU  
ANGAMOOZHY P.O., ERAVIPEROOR, THIRUVALLA  
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.K.N.RADHAKRISHNAN (THIRUVALLA)

RESPONDENT(S)/RESPONDENTS/COMPLAINANT & STATE:

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1. K.S. PRESANNAVADHANAN NAIR  
KATTODIL HOUSE, ERAVIPEROOR, THIRUVALLA  
PATHANAMTHITTA DISTRICT.

2. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-682 031.

R1 BY ADV. SRI.K.S.VIJAYAKUMAR  
R2 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY  
HEARD ON 18-06-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

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**K. HARILAL,J.**

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**Crl.M.Appl. No. 2778 of 2015**

**in**

**Crl.R.P. No.632 of 2015**  
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**Dated this the 18<sup>th</sup> day of June , 2015**

**O R D E R**

The Revision Petitioner is the accused in S.T. No.913/2006 on the files of the Judicial First Class Magistrate's Court-II, Pathanamthitta as well as the appellant in Criminal Appeal No.176/2008 on the files of the Additional District and Sessions Judge (Adhoc) Court-I, Pathanamthitta. She was prosecuted for the offence punishable under Section 138 of the Negotiable Instruments Act (for short, 'N.I. Act') on a complaint filed by the 1<sup>st</sup> respondent herein. After trial, the learned Magistrate found the Revision Petitioner guilty of the offence punishable under Section 138 of the N.I. Act and convicted thereunder. She was sentenced to undergo simple imprisonment for three months and also directed to pay a fine of Rs.90,000/-, which shall be paid to the 1<sup>st</sup> respondent towards compensation. In default, to undergo simple imprisonment for a period of one month. Though the Revision Petitioner had preferred an appeal, the Appellate Court also

confirmed the conviction and sentence as such. This Revision Petition is filed challenging the conviction entered and sentence imposed by the courts below.

2. Now the Revision Petitioner along with the 1<sup>st</sup> respondent filed this Crl.M.A. under Section 147 of the N.I. Act read with Section 320 of the Cr.P.C. In the petition, it is specifically stated that the subject matter of the above Revision Petition has been settled between the Revision Petitioner and the 1<sup>st</sup> respondent out of court and now the 1<sup>st</sup> respondent is not desirous of prosecuting the case against the Revision Petitioner. They jointly sought for permission of the Court for compounding the offence.

3. The learned counsel for the 1<sup>st</sup> respondent also submits that the averments in the petition are true and correct to his knowledge and belief also. It is seen that the Revision Petitioner has deposited Rs.1750/- as cost to Kerala State Legal Services Authority in compliance with the direction of the Supreme Court in the decision **Damodar S Prabhu v. Sayed Babalal [2010(2) KLT 587(SC)]**.

As I am satisfied with the averments in the petition signed

by both the parties and countersigned by the respective counsel appearing for the parties, permission is granted to compound the offence and composition is recorded.

**(K. HARILAL, JUDGE)**

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