

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

Crl.Rev.Pet.No. 688 of 2015 (E1)

CRL.A 260/2008 of ADDITIONAL DISTRICT & SESSIONS COURT
(FAST TRACK NO.I), THRISSUR
ST 2121/2005 of J.M.F.C.-III, THRISSUR
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REVISION PETITIONER(S)/APPELLANT/ACCUSED:

SAJEEVAN, S/O.KUTTAN, AGED 42 YEARS,
PANIKKASSERY HOUSE, PUTHUR P.O., THRISSUR.

BY ADV. SRI.K.D.BABU (KOTTACKAL)

RESPONDENT (S)/RESPONDENTS/COMPLAINANT:

1. SUNIL K.A., PROPRIETOR, KUNDOLY JEWELLERY,
KUTTANELLUR, S/O. KUNDOLY APPUNNI,
OLLUR VILLAGE, ANCHERY DESOM, THRISSUR-680306.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

R1 BY ADV. SRI.V.BINOY RAM
R2 BY PUBLIC PROSECUTOR SRI.JUSTINE JACOB

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 08-06-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

OKB

K.HARILAL, J.

Cr1.R.P. No.688 of 2015

Dated this the 8th day of June, 2015.

O R D E R

This revision petition is filed challenging the concurrent findings of conviction entered and the sentence imposed on the revision petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the N.I. Act') in Criminal Appeal No.260/2008 on the files of the court of the Additional District & Sessions Judge, (Fast Track-I), Thrissur. The above appeal was filed challenging the judgment finding that the revision petitioner is guilty of the said offence, passed in S.T.No.2121/2005 on the files of the Judicial First Class Magistrate's Court-III, Thrissur. According to the impugned judgment, the revision petitioner was sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.10,000/- and in default to undergo simple imprisonment for one month. If the

fine amount is realised, Rs.5,000/- was ordered to be paid to the complainant as compensation under Section 357(1) of the Cr.P.C.

2. The learned counsel for the revision petitioner submits that though the revision has been filed on various grounds challenging the concurrent findings of conviction and sentence, the revision petitioner has already paid the entire fine amount payable as compensation to the complainant directly. It is also submitted that according to the impugned judgment under challenge, the revision petitioner ought to have remitted the said amount as fine in the court below and thereafter the same could have been given to the complainant as compensation. But in the instant case, the revision petitioner himself directly paid the said amount to the complainant and settled the matter out of court. The learned counsel further urged for converting the fine amount to compensation payable to the complainant directly. The learned counsel for the 1st respondent/complainant submits that the 1st respondent has received the entire amount of

compensation directly from the revision petitioner. Consequently, imposition of fine made by the court below will stand converted to compensation under Section 357(3) of the Cr.P.C. payable to the complainant.

3. Having regard to the submissions made at the Bar, in supersession of the sentence imposed by the trial court and confirmed by the appellate court, the revision petitioner will stand sentenced as follows:

The revision petitioner is sentenced to undergo simple imprisonment for one day till rising of the court only. The trial court is directed to make corrections in the Fine Register in view of the conversion of fine to compensation.

This criminal revision petition is disposed of.

Sd/-
K. HARILAL, JUDGE

okb.