

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

Crl.Rev.Pet.No. 690 of 2015

AGAINST THE JUDGMENT IN CRL.A NO.615/2010 of ADDITIONAL SESSIONS
COURT, PALAKKAD DATED 05-10-2012

AGAINST THE JUDGMENT IN CC 343/2009 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT -III, PALAKKAD

REVISION PETITIONER/APPELLANT:

S.KANNAN, AGED 38 YEARS,
S/O.SANKARA MOOTHAN,
47/216, KARNAKI NAGAR,
MOOTHANTHARA, PALAKKAD.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENTS/RESPONDENTS:

1. M.HARI, AGED 39 YEARS,
S/O.MARI, MARI NIVAS,
KOZHIPARAMBU,
VADAKKANTHARA POST,
PALAKKAD.
2. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.BOBBYMATHEW KOOTHATTUKULAM
R2 BY PUBLIC PROSECUTOR SRI.N.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 16-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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P.UBAID, J.

Crl.R.P No.690 OF 2015

Dated this the 16th day of June, 2015

O R D E R

The revision petitioner challenges the conviction and sentence against him under Section 138 of the Negotiable Instruments Act. The sentence imposed by the trial court is simple imprisonment for three months, and there is also a direction to pay ₹80,000/- as compensation to the complainant under Section 357(3) of the Code of Criminal Procedure. In appeal brought by the revision petitioner the learned Additional Sessions Judge, Palakkad confirmed the conviction, but modified the sentence. Accordingly, the substantive sentence was modified and reduced to simple imprisonment for seven days, and instead of the direction to pay compensation, a fine of ₹1,07,000/- was imposed. The judgment of the appellate court is under challenge in this revision petition.

2. Pending this proceeding, the parties settled the whole dispute and thus came to terms. They filed Crl.M.A No.3076/2015 for accepting the composition under Section 147 of the Negotiable Instruments Act. I am well satisfied that the

whole dispute between the parties stands resolved forever, and the complainant has received the entire amount due from the revision petitioner. In such a situation, the composition filed by the parties can be accepted. In terms of this composition, the revision petition can be allowed, and the sentence can be set aside.

In the result, this Criminal Revision Petition is allowed in terms of the composition in Crl.M.A No.3076/2015. Accordingly, the conviction and sentence against the revision petitioner in C.C No.343/2009 of the Judicial First Class Magistrate Court III, Palakkad will stand set aside, and the revision petitioner will stand released from prosecution on the benefit of acquittal under Section 320(8) of the Code of Criminal Procedure. The bail bond if any, executed by the revision petitioner will stand discharged.

**P.UBAID
JUDGE**

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