

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Cr1.Rev.Pet.No. 770 of 2015

AGAINST THE JUDGMENT IN ST 909/2010 of JUDICIAL FIRST CLASS
MAGISTRATE COURT, KOLENCHERRY DATED 22-10-2012

AGAINST THE JUDGMENT IN CRL.A 739/2012 of ADDITIONAL DISTRICT &
SESSIONS COURT, MOOVATTUPUZHA DATED 31-12-2013

REVISION PETITIONER(S)/APPELLANT/ACCUSED :

ANNIE JOHN, AGED 53 YEARS, W/O.JOHN,
MANALIL HOUSE, AMBALAMUGAL.P.O., COCHIN-682 302.

BY ADV. SMT.M.K.PUSHPALATHA

RESPONDENT(S)/COMPLAINANT :

1. A.P.VARGHESE, AGED 33 YEARS, S/o.PAULOSE,
ANNAMATTATIL HOUSE, VELOOR KARA,
PUTHENCROUZ.P.O. - 682 308.
2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI. RONALD PAUL

R2 BY PUBLIC PROSECUTOR SRI.JUSTINE JACOB.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 23-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

STU

K. HARILAL,J.

Crl.M.Appl. No. 3447 of 2015

in

Crl.R.P. No.770 of 2015

Dated this the 23rd day of June , 2015

O R D E R

The Revision Petitioner is the accused in S.T. No.909/2010 on the files of the Judicial First Class Magistrate's Court, Kolencherry as well as the appellant in Criminal Appeal No.739/2012 on the files of the Additional District and Sessions Judge, Muvattupuzha. He 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 1st 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. He was sentenced to undergo simple imprisonment for three months and also directed to pay a fine of Rs.95,000/-, which shall be paid to the 1st 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 but modified the sentence. In appeal, the accused is sentenced to undergo simple imprisonment till rising of the court and to pay a fine of Rs.95,000/-, which shall be given to the complainant as compensation under section 357(1) Cr.P.C. In default, to undergo simple imprisonment for a period of one month. This Revision Petition is filed challenging the concurrent findings of conviction and modified sentence.

2. Now the Revision Petitioner along with the 1st 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 1st respondent out of court and now the 1st 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 1st 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.500/- 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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