

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Crl.Rev.Pet.No. 772 of 2015 ()

CRL.A 833/2010 of ADDL. SESSIONS JUDGE-I, THIRUVANANTHAPURAM.

ST 1155/2007 of J.M.F.C.-IV, NEDUMANGAD

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

K.DAS

PLATHITTA VEEDU, MUDIYACODE, CHERUNNIYOOR
VARKALA.

BY ADV. SRI.K.P.SUJESH KUMAR

RESPONDENT(S)/STATE AND RESPONDENT/STATE & COMPLAINANT:

1. STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. MOHANAN

S/O.DAMODARAN, MOHANAVILASOM, NEDIYAVENKODE
PANAKODE, NEDUMANGADU - 695 541.

R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS.

R2 BY KEERTHI.K.NARAYAN.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

STU

K. HARILAL,J.

Crl.M.Appl. No. 3451 of 2015

in

Crl.R.P. No.772 of 2015

Dated this the 21st day of July , 2015

O R D E R

The Revision Petitioner is the accused in S.T. No.1155/2007 on the files of the Judicial First Class Magistrate's Court-IV, Nedumangad as well as the appellant in Criminal Appeal No.833/2010 on the files of the Additional Sessions Judge-I, Thiruvananthapuram. 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 2nd 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 compensation of Rs.75,000/- to the 2nd respondent under Section 357(3) of the Code of Criminal Procedure. In default, to undergo simple imprisonment for a period of two months. Though the Revision Petitioner had preferred an appeal, the Appellate

Court also confirmed the conviction but modified the sentence. He is sentenced to undergo simple imprisonment for one month and to pay a compensation of ₹75,000/- to the complainant under Section 3357(3) of the Cr.P.C and in default, to undergo simple imprisonment for one month. This Revision Petition is filed challenging the concurrent findings of conviction and modified sentence.

2. Now the Revision Petitioner along with the 2nd 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 2nd respondent out of court and now the 2nd 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 2nd 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.1,750/- 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.

stu

Sd/-
K.HARILAL, JUDGE.

//True copy//

P.A to Judge