

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 193

Crl.Rev.Pet.No. 845 of 2015 ()

AGAINST THE JUDGMENT IN CRL.A 835/2006 of ADDITIONAL DISTRICT
& SESSIONS COURT, FAST TRACK NO.I, THRISSUR DATED 16-02-2009

AGAINST THE JUDGMENT IN CC 1091/2003 of J.M.F.C., CHALAKUDY
DATED 30-11-2006

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

P.R.SURENDRAN, AGED 53 YEARS
S/O. RAMANKUTTY, PALAKADAN HOUSE, ASHTAMICHIRA,
THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENT(S)/RESPONDENTS/COMPLAINANT & STATE:

1. C.D.PAUL,
S/O. DEVASSY, CHELANGARA HOUSE, KAIPAMANGALAM DESOM,
KODUNGALLUR, THRISSUR DISTRICT-680 669.

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

R1 BY ADV. SRI.LIJO GEORGE
R2 BY PUBLIC PROSECUTOR SRI.JUSTINE JACOB

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

OKB

K.HARILAL, J.

Cr1.R.P. No.845 of 2015

Dated this the 6th day of July, 2015.

O R D E R

Revision petitioner is the accused in C.C.No.1091/03 on the files of the Judicial First Class Magistrate's Court, Chalakudy, as well as the appellant in Cr1.A.No.835/06 on the files of the court of the Additional District & Sessions Judge, Fast Track-I, Thrissur. He was prosecuted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the N.I. Act') and according to the judgment passed in appeal he stands sentenced to undergo simple imprisonment for six months and to pay a compensation of Rs.60,000/- to the complainant under Section 357(3) of the Cr.P.C. and in default to undergo simple imprisonment for 3 months. This revision petition is filed challenging the concurrent findings of conviction and sentence.

2. Though this revision has been preferred on various grounds, the learned counsel for the revision petitioner submits that after the pronouncement of the judgment in appeal the accused had paid the entire amount directed to be paid as compensation to the complainant and now no amount is due from him to the complainant. The learned counsel for the first respondent/complainant also submits that he has received the entire amount and he has no subsisting grievance at all. In support of the arguments at the bar, both parties have filed a compounding petition also under Section 147 of the N.I. Act stating that the amount directed to be paid as compensation has been paid directly to the complainant.

3. In view of the payment of compensation the learned counsel for the revision petitioner urged for modifying the substantive sentence imposed on the revision petitioner. Having regard to the payment of compensation as directed by this Court, I am inclined to modify the substantive sentence imposed on the revision petitioner. Consequently, in supersession of

the sentence imposed by the trial court and modified by the appellate court, the revision petitioner will stand sentenced as follows:

The revision petitioner shall undergo simple imprisonment for one day till rising of the court and he shall appear before the Trial Court to suffer the aforesaid sentence within one month from today. It is made clear that the default sentence will not come into operation.

The criminal revision petition is disposed of accordingly.

Sd/-
K. HARILAL, JUDGE

okb.

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P.A. to Judge