

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Crl.Rev.Pet.No. 1437 of 2013 ()

AGAINST THE JUDGMENT IN CRA 82/2011 of ADDL. SESSIONS COURT (ADHOC)-
II, KALPETTA
AGAINST THE JUDGMENT IN ST 2129/2009 of J.M.F.C-I.,SULTHAN BATHERY

REVISION PETITIONER(S)/APPELLANT/ACCUSED:-:

SYED THAHA BAFAKI,
S/O.SYED ABDUL KHADAR BAFAKI, HILAL MANZIL
KOYILANDY POST, PANHTALAYANI, KOZHIKODE.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:-:

1. JOSE,
S/O.AUGUSTINE, EDAPARAMBIL HOUSE, THOMATTUCHAL
MOONNOOR, KADALMAD POST, SULTHAN BATHERY
WAYANAD DISTRICT-673121

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

R1 BY ADV. SRI.TONY THOMAS (INCHIPARAMBIL)
R1 BY ADV. SRI.S.NIKHIL SANKAR
R2 BY PUBLIC PROSECUTOR SRI.N.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
27-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T. RAVIKUMAR, J.

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CRL.R.P. No.1437 OF 2013

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Dated this the 27th day of March, 2015

ORDER

This revision petition is filed against the conviction concurrently entered against the petitioner under section 138 of the Negotiable Instruments Act. The Court of Judicial First Class Magistrate-I, Sulthan Bathery found the petitioner guilty in S.T.No.2129 of 2009 and convicted and sentenced him to undergo simple imprisonment for a period of six months. He was also directed to pay a compensation of ₹2,05,000/- to the complainant under section 357(3) Cr.P.C. A default clause was also incorporated. The petitioner took up the matter in appeal as CrI.A.No.82 of 2011. The appellate court confirmed the conviction and modified the substantive sentence as to imprisonment till the rising of court. The direction to pay compensation as also the default clause were maintained. This revision petition is filed against the said judgment. Now,

Crl.M.A.No.1652 of 2015 has been jointly filed by the revision petitioner and the first respondent/complainant stating that the matter has been amicably settled between the parties and seeking to allow compounding the case between them under section 147, NI Act. The offence under section 138, NI Act is compoundable in terms of Section 147, NI Act and evidently, the parties have amicably settled the matter and it has been duly verified by them. In the said circumstances, permission to compound the offence under section 138, NI Act against the revision petitioner is granted. Resultantly, the judgment passed against the revision petitioner in Crl.A.No.82 of 2011 by the Court of Additional Session Judge (Ad hoc)-II, Kalpetta and the judgment of the Court of Judicial First Class Magistrate-I, Sulthan Bathery in S.T.No.2129 of 2009 are set aside. It is made clear that composition of the offence will have the impact of acquittal.

This revision petition is allowed to the above extent.

Sd/-
C.T. RAVIKUMAR
(JUDGE)

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010