

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

Crl.Rev.Pet.No. 1135 of 2015 ()

AGAINST THE JUDGMENT IN CRL.APPEAL 482/2004 of ADDL.SESIONS COURT
(ADHOC)-I, KOTTAYAM DATED 08-07-2005

AGAINST THE JUDGMENT IN CC 947/2002 of J.M.F.C.-II(MOBILE), KOTTAYAM
DATED 01-07-2004

REVISION PETITIONER/APPELLANT/ACCUSED:

THOMAS ANTONY
KOCHUMATTOM HOUSE, KOTTAMURI P.O., CHANGANACHERRY
KOTTAYAM DISTRICT.

BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENTS/RESPONDENTS/COMPLAINANT AND STATE:

1. BITTY JOSEPH
PROPRIETOR, JOJO ELECTRONICS, CHANGANACHERRY
KOTTAYAM DISTRICT-686001.
2. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.R.RAJESH
R2 BY PUBLIC PROSECUTOR SRI. S.V.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 11-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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B.SUDHEENDRA KUMAR, J.

Crl.R.P. No. 1135 of 2015

Dated this the 11th day of September, 2015

ORDER

Crl.M.A. No. 5064 of 2015 has been filed jointly by the revision petitioner and the 1st respondent, who is the complainant before the trial court praying for granting permission to compound the offence. It is stated that the subject-matter of the dispute has been settled between the parties. As per the direction of this Court, the revision petitioner deposited an amount of Rs.1,000/- (Rupees one thousand only) before the Kerala State Legal Services Authority, as a condition precedent to compound the offence as held by the Apex Court in **Damodar S. Prabhu v. Sayed Babalal [2010 (2) KLT (SC)]** . The offence under Section 138 of the Negotiable Instruments Act, 1881 ("the N.I.Act for short) is compoundable under Section 147 of the N.I Act. Since the matter has been settled between the parties, I am of the view that it is only

just and proper to permit the parties to compound the offence. Accordingly, permission stands granted and the composition stands recorded, which is having the effect of acquittal under section 320 (8) of Cr.P.C.

In the result, this Revision Petition stands allowed acquitting the revision petitioner under section 320(8) Cr.P.C.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

//TRUE COPY//

P.A.TO JUDGE

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