

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Crl.Rev.Pet.No. 1194 of 2015 ()

AGAINST THE ORDER IN CC 645/1995 of JUDICIAL FIRST CLASS
MAGISTRATE COURT-II,ATTINGAL DATED 05-03-1997

AGAINST THE ORDER IN CRL.APPEAL 77/1997 of I ADL.DISTRICT COURT,
THIRUVANANTHAPURAM DATED 21-07-2003

REVISION PETITIONER/APPELLANT/ACCUSED:

SHANA BABU
S/O.T.M. HANEEFA, KALIYILIL PUTHENVEEDU
KATTUPUTHUSSERI, PALLICKAL DESOM, PALLICKAL VILLAGE.

BY ADVS.SRI.SHAIJAN C.GEORGE
SRI.C.K.SAJEEV
SMT.S.REKHA KUMARI
SRI.M.T.AJITH

RESPONDENTS/RESPONDENT/COMPLAINANT:

1. SISUPALAN
S/O. BALAKRISHNAN, NIRVRITHI NILAYAM, THANKAKALLU
MALAKKAL DESOM, MADAVOOR VILLAGE.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.DENY JOSEPH
R2 BY PUBLIC PROSECUTOR SRI.R.GITESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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B.SUDHEENDRA KUMAR, J.

Crl.R.P.No.1194 of 2015

Dated this the 28th day of September, 2015

ORDER

Crl.M.A. No. 5334 of 2015 has been filed jointly by the 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. The revision petitioner deposited an amount of Rs.10,000/- (Rupees ten thousand only) before the Kerala State Legal Services Authority as directed by this Court, as per Order dated 16.09.2015 in Crl.M.A.4980 of 2015, as per the direction of the Apex Court in **Damodar S. Prabhu v. Sayed Babalal [2010 (2) KLT 587 (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.

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

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

//TRUE COPY//

P.A.TO JUDGE

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