

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1210 of 2015 ()

AGAINST THE JUDGMENT IN CRA 17/2013 of ADDITIONAL SESSIONS COURT-II,
THIRUVANANTHAPURAM DATED 19.08.2015

AGAINST THE JUDGMENT IN ST 1885/2010 of JUDICIAL 1 CLASS MAGISTRATE COURT-I,
THIRUVANANTHAPURAM DATED 29.12.2012

REVISION PETITIONER/APPELLANT/ ACCUSED:

GEETHA J AGED 53 YEARS
W/O.ANIL KUMAR, VILAYIL VEEDU, CHELLAMANGALAM
CHEMPAZHANTHI PO, THIRUVANANTHAPURAM

BY ADVS.SRI.BLAZE K.JOSE
SRI.M.RAJESH
SMT.P.SHEENA RAJAN
SMT.RESHMA G.MENON
SRI.A.N.SHAJI (MURAMEL)

RESPONDENTS/RESPONDENT/ COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031

2. REJI, AGED 40 YEARS
RV BHAVAN, KAVUVILA, CHELLAMANGALAM
POWDIKKONAM PO, THIRUVNANTHAPURAM, PIN 695587

R2 BY ADV.SRI.M.YASIR
R1 BY PUBLIC PROSECUTOR SRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
04-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B. SUDHEENDRA KUMAR, J.

Crl.R.P.No.1210 of 2015

Dated this the 4th day of December, 2015.

O R D E R

Crl.M.A.No.7013 of 2015 has been filed by the learned counsel for the revision petitioner praying for granting permission to compound the offence. Crl.M.A.No.6497 of 2015 has been filed jointly by the revision petitioner and the second respondent herein, who is the complainant before the trial court, praying for recording the composition. Since the offence under Section 138 of the Negotiable Instruments Act ('N.I.Act' for short) is compoundable under Section 147 of the N.I.Act, this Court directed the revision petitioner to deposit an amount of Rs.1,000/- (Rupees One thousand only) before the Kerala State Legal Services Authority as a condition precedent to grant permission to compound the offence as held by the Apex Court in ***Damodar S.Prabhu v. Sayed Babalal [2010(2)KLT 587 (SC)]***. The revision petitioner deposited the said amount and produced the receipt. Since the matter has been settled by the parties, 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 the Code.

In the result, this revision petition stands allowed acquitting the revision petitioner under Section 320(8) of the Code.

Sd/-
B. SUDHEENDRA KUMAR,
JUDGE

AV