

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Crl.Rev.Pet.No. 1272 of 2015 ()

AGAINST THE JUDGMENT IN CRA 88/2008 of THE DISTRICT &
SESSIONS COURT, KASARAGOD DATED 07-08-2009

AGAINST THE JUDGMENT IN ST 1130/2006 of J.M.F.C.-II, HOSDRUG
DATED 16-02-2008

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

S.K.ABDULLA AGED 42 YEARS
S/O K.M.SHERIF, RESIDING AT KOTTAKUNNU
PALLIKKARA PO., PALLIKKARA VILLAGE, HOSDRUG TALUK
KASARAGODE DISTRICT.

BY ADVS.SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENT(S)/RESPONDENTS/RESPONDENTS/COMPLAINANT:

1. M.MUHAMMEDKUNHI, AGED 42 YEARS
S/O HASSAINAR, RESIDING AT THAHIRA MANZIL, V.P.ROAD
MANIKOTH POST, AJANUR VILLAGE, E HOSDRUG TALUK
KASARAGOD DISTRICT - PIN 671121

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R1 BY ADV. SRI.K.PRAVEEN KUMAR
R2 BY PUBLIC PROSECUTOR SRI. GITHESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 08-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

B. SUDHEENDRA KUMAR, J.

.....
Crl.R.P. No. 1272 of 2015
.....

Dated this the 8th day of October, 2015

ORDER

Crl.M.A.No. 5592 of 2015 has been filed by the first respondent in the revision petition who is the complainant before the court below praying for permitting the parties to compound the offence. The offence alleged against the revision petitioner is the offence under Sec. 138 of the Negotiable Instruments Act, 1881. The revision petitioner left for abroad in connection with a job very recently and hence, he is not in a position to appear before the Court and sign the joint application for compromise, submitted by the learned counsel for the revision petitioner. As per the decision of this Court in Mathew v. State of Kerala [1986 KLT 128], the matter can be compounded even without the presence of the accused.

3. In this case, the first respondent has submitted by way of an affidavit that the entire amount has been paid by the revision petitioner and the matter has been settled. This Court directed the revision petitioner to deposit an amount of Rs. 2000/- (Rupees two thousand only) before the Kerala State Legal Services Authority as a condition precedent to compound offence.

4. The revision petitioner deposited the said amount and produced the receipt before this Court. Since the offence under Section 138 of the N.I.Act is compoundable under Section 147 of the N.I.Act, I am of the view that this petition can be allowed and permission can be granted to compound the offence. Accordingly, permission stands granted and composition stands recorded, which is having the effect of acquittal under Section 320 (8) Cr.P.C.

In the result, this revision petition stands allowed, acquitting the revision petitioner under Section 320 (8) Cr.P.C. The bail bond of the revision petitioner stands cancelled and the revision petitioner is set at liberty.

Sd/- B. SUDHEENDRA KUMAR,
JUDGE.

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