

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Crl.Rev.Pet.No. 1277 of 2015 ()

CRA 228/2010 of SESSIONS COURT,KOLLAM
CC 586/2007 of J.M.F.C.-III, PUNALUR

REVISION PETITIONER/ APPELLANT/ACCUSED:

ANILKUMAR, AGED 39 YEARS
S/O.RAJAPPAN NAIR
KAVINTEKIZHAKKATHIL VEEDU
EDAVATTOM MURI, KARUVELIL (PO)
KOTTARAKKARA THALUK, KOLLAM DISTRICT.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS/RESPONDENTS/ COMPLAINANT & STATE:

1. MURALEEDHARAN NAIR
AGED 60 YEARS
S/O.DIVAKARAN
AYATHIL VEEDU, URUKUNNU, THENMALA
KOLLAM DISTRICT 691 658
2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.

R1 BY ADV. SRI.C.S.SUNIL CHANDRAN
R2 BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.1277 of 2015

Dated this the 9th day of October 2015

ORDER

Crl.M.A. No. 5638 of 2015 has been filed jointly by the revision petitioner and the first respondent herein, who is the complainant before the trial court, praying for recording the composition. As directed by this Court, the revision petitioner deposited an amount of Rs. 1,000/- 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 587 (SC)]**. Since the offence under Sec.

138 of the N.I.Act is compoundable under Sec. 147 of the N.I.Act and the matter has been settled between the parties, I am of the view that permission can be granted to compound the offence and accordingly, permission stands granted and the composition stands recorded, which is having the effect of acquittal under Section 320 (8) Cr.P.C.

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

sd

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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PA to Judge