

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Crl.Rev.Pet.No. 1390 of 2015 ()

CRL.A 613/2005 of ADDL.DISTRICT COURT (ADHOC)-1, KOTTAYAM
CC 265/2003 of J.M.F.C.-I,KANJIRAPPALLY

REVISION PETITIONER/APPELLANT/ACCUSED:

P.S. GEORGEKUTTY, AGED 55 YEARS
S/O.P.P.SAMUAL, FORMER VILLAGE ASSISTANT
PUTHANPARAMPIL HOUSE
PAMPADY, KOTTAYAM DISTRICT.

BY ADVS.SRI.P.H.SHAJAHAN
SRI.A.HAROON RASHEED

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

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1. T.K. ANTONY, AGED 72 YEARS
CHIRAKKADAVU VILLAGE
PONKUNNAM
KOTTAYAM DISTRICT 686 502.
 2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

R1 BY ADV. SRI.C.R.REKHESH SHARMA
R2 BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
30-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.1390 of 2015

Dated this the 30th day of October 2015

O R D E R

Crl.M.A. No. 6127 of 2015 has been filed by the first respondent herein, who is the complainant before the trial court, with the signature of the learned advocates on both sides, stating that the matter has been settled between the parties. The prayer in the said application is to permit the parties to compound the offence. The offence under Sec. 138 of the N.I.Act is compoundable under Sec. 147 of the N.I.Act. Since the complainant has filed application stating that the matter has been settled, the signature of the accused in the application is not necessary to permit the

parties to compound the offence, particularly when the accused is in custody. The learned counsel for the accused/ revision petitioner has also put his signature in the application. This Court has exempted the revision petitioner from payment of deposit before the Kerala State Legal Services Authority, as the revision petitioner is in jail. Since the matter has been settled between the parties, it is only just and proper to grant permission 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.

CrI.R.P.1390/2015

: 3 :

Since the revision petitioner is in custody, he shall be set at liberty forthwith, if his detention is not necessary in any other case.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

dl/2.11.2015

// True Copy //

PA to Judge

B.SUDHEENDRA KUMAR, J.

CrI.R.P. No.1390 of 2015

Dated this the 30th day of October 2015

ORDER

The revision petitioner, namely, Shri.P.S.Georgekutty, aged 55 years, s/o.P.P. Samual, Puthanparampil House, Pampady, Kottayam district, who is the accused in C.C. No.265 of 2003 on the files of the court of the Judicial Magistrate of First Class -1, Kanjirappally, has been acquitted by this Court under Section 320(8) of the Code for the offence under Section 138 of the Negotiable Instruments Act. Therefore, the Superintendent of the jail

concerned is directed to release the above accused forthwith, if his presence is not required in any other case.

The Registry is directed to communicate the gist of the order to the Superintendent of the prison concerned to comply with the direction in this order.

**B.SUDHEENDRA KUMAR,
JUDGE**

dl