

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1571 of 2015 ()

CRL.A 821/2009 of ADDL.SESIONS COURT (ADHOC)-II, ERNAKULAM
ST 2553/2008 of J.M.F.C. - IV, ERNAKULAM

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

SIBI K.S. AGED 41 YEARS
S/O.SCARIA, KURIALAPUZHA HOUSE, KIZHATHIRI RAMAPURAM
KOTTAYAM DISTRICT.

BY ADVS.SRI.DINNY THOMAS
SRI.JAISHANKAR V.NAIR
SRI.ALBERT V.JOHN

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

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1. M/S.BELL LEASING & HIRE PURCHASE LTD
40/9715, BHAGEERATHA SANTHWANA, CHITTOOR ROAD
KOCHI 682301
REPRESENTED BY ITS POWER OF ATTORNEY HOLDER JOY JOHN
S/O.JOHN CHERIAN.
 2. STATE OF KERALA
REP. BY PUBLIC PROSEUCTOR, HIGH COURT OF KERALA
ERNAKULAM 682 037.

R1 BY ADV. SRI.BIJU P.THOMAS
R2 BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
27-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P.No.1571 of 2015

Dated this the 27th day of November 2015

O R D E R

Crl.M.A. No.6815 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.6794 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 permitting the parties to compound the offence. This Court has directed the revision petitioner to deposit Rs.2,000/- 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 offence under Sec. 138 of the N.I.Act is compoundable under Sec. 147 of the N.I.Act. Since 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.

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/28.11.2015

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PA to Judge