

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. 1630 of 2015 ()

AGAINST THE JUDGMENT IN CRA 56/2009 of D.C.& SESSIONS COURT,MANJERI
DATED 31-07-2013

AGAINST THE JUDGMENT IN ST 922/2004 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
PONNANI DATED 22-01-2009

REVISION PETITIONER/APPELLANT/ACCUSED:

P.A.ABDUL KALAM AGED 59 YEARS
S/O.ABDULLA MASTER, PURAY (P.O) PIN
PERUMPADAPPU POLICE STATION LIMIT, PONNANI TALUK
MALAPPURAM DISTRICT.

BY ADV. SRI.JAMSHEED HAFIZ

RESPONDENTS/STATE:

-
1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM - 682 031.
 2. M.RAVEENDRAN
S/O.RAVUNNI NAIR, THARAYIL MADATHIL HOUSE
PONNANI (P.O), PIN 679519, PONNANI TALUK, MALAPPURAM DISTRICT.
- R2 BY ADV. SRI.RILGIN V.GEORGE
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:

AV

B. SUDHEENDRA KUMAR, J.

Crl.R.P.No.1630 of 2015

Dated this the 4th day of December, 2015.

ORDER

Crl.M.A.No.7003 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 granting permission to compound the offence and 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 offence under Section 138 of the N.I.Act is compoundable under Section 147 of the N.I.Act, 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