

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Crl.Rev.Pet.No. 2051 of 2013 ()

AGAINST THE JUDGMENT IN CRA 219/2010 of ADDL.SESIONS
COURT, (ADHOC-I), KOTTAYAM DATED 24-08-2013

AGAINST THE JUDGMENT IN ST 98/2009 of J.M.F.C. - III,
ETTUMANUR DATED 29-04-2010

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

P.P. PHILIP
S/O.PHILIPPOSE, PAIKAYIL HOUSE, KLANJIRAPPALLY KARA
KANJIRAPPALLY VILLAGE & TALUK

BY ADV. SRI.MATHEW KURIAKOSE

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.

2. V.J.PETER & SONS
KANJIRAPPALLY
REPRESENTED BY ITS JOINT MANAGING PARTNER SHIBU PETER
S/O.V.J, PETER, VETTUKALLEL HOUSE
EDANADU KARA, VALLICHIRA VILLAGE
MEENACHIL TALUK - 686 574.

R2 BY ADV. SRI.LIJI.J.VADAKEDOM
BY PUBLIC PROSECUTOR SRI. R. GITESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

B.SUDHEENDRA KUMAR, J.

.....

Crl.R.P. No. 2051 of 2013

.....

Dated this the 28th day of September, 2015

ORDER

Crl.M.A. No. 5355 of 2015 has been filed jointly by the revision petitioner and the 2nd 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. 1000/- 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, 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.

The revision petitioner is entitled to refund of the amount, if any, deposited by him before the court below as directed by this Court.

**Sd/- B.SUDHEENDRA KUMAR
JUDGE**

ani/

/true copy/

P.S. to Judge