

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1731 of 2015 ()

Crl.A 273/2003 of SESSIONS COURT,KOZHIKODE
ST 296/2000 of C.J.M.,KOZHIKODE

REVISION PETITIONER:

N.V.USHA, AGED 49 YEARS
W/O.SUNDARAN, PROPRIETRESS OF USHUS GARMENTS
BADARINILAM PARAMBA, PO KALLAI
KOZHIKODE 673 003

BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.SRINATH GIRISH

RESPONDENT(S):

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1. M.DAMODAR PRASAD
S/O.A.D NAIR
'ANJALI' PO CHEVAYUR
KOZHIKODE DISTRICT 673 017
 2. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA

R1 BY ADV. SRI.S.K.SAJU
R2 BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
21-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P.No.1731 of 2015

Dated this the 21st day of December 2015

O R D E R

Crl.M.A. No.7419 of 2015 has been filed by the first respondent herein, who is the complainant before the court below, with the signatures of the learned counsel for the first respondent and the learned counsel for the revision petitioner, praying for granting permission to compound the offence. The accused is in custody. Therefore, in view of the decision of this Court in **Mathew v. State of Kerala** (1986 KLT 128), the signature of the accused is not necessary to compound the offence, since the complainant has come forward to settle the dispute. Since the matter

has been settled, this Court has directed the revision petitioner to deposit 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)]. The learned counsel has deposited the amount and produced the receipt for the same. Since the matter has been settled, 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, who is the accused in S.T. No.296 of 2000 on the files of the Judicial Magistrate of First Class, Kozhikode, namely, Smt.N.V. Usha, w/o.Sundaran, Badarinilam Paramba, PO Kallai, Kozhikode, under section 320(8) Cr.P.C. Therefore, the above accused shall be released forthwith, if her detention is not required in connection with any other case.

The Registry will communicate the gist of the order to the Superintendent of the jail concerned, to comply with the direction.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

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PA to Judge