

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

Crl.Rev.Pet.No. 1371 of 2014 ()

CRA 243/2013 of SESSIONS COURT,PATHANAMTHITTA
CC 134/2012 of J.M.F.C.-1,RANNI

REVISION PETITIONER/APPELLANT/ACCUSED:

GOPALAKRISHNAN NAIR K.N
S/O. NARAYANAN NAIR, KODUMPALLIL HOUSE, INCHIOOR
VARAPETTY, KOTHAMANGALAM TALUK.

BY ADVS.SRI.V.S.CHANDRASEKHARAN
SRI.M.V.DAS
SMT.LEKSHMI SWAMINATHAN

RESPONDENTS/COMPLAINANT AND STATE:

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1. PHILOPOSE S.KANNADICKAL
S/O. LATE SHAJI THOMAS, KANNADICKAL HOUSE
PAZHAVANGADI VILLAGE, RANNI TALUK
PATHANAMTHITTA DISTRICT.
 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.V.SETHUNATH
R1 BY ADV. SRI.S.JUSTUS
R2 BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
07-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No..1371 of 2014

Dated this the 7th day of October 2015

ORDER

Crl.M.A. No.5222 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 recording the composition. As directed by this Court, the revision petitioner deposited an amount of Rs. 5,000/- 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)]. 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.

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

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/ True copy /

PA to Judge