

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Crl.Rev.Pet.No. 3066 of 2008 ()

AGAINST THE JUDGMENT IN Crl.Appeal 210/2008 of ADDL.SESIONS COURT
(ADHOC)-II, ERNAKULAM DATED 04-07-2008

AGAINST THE JUDGMENT IN CC 80/2005 of J.M.F.C.-II, KOCHI
DATED 04-02-2008

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

K.RAMANATHAN PILLAI, S/O.KANAKAN PILLAI
C.C.12/656, PARVANA JUNCTION, KOCHI - 682 002
MATTANCHERY VILLAGE, KOCHI TALUK.

BY ADVS.SRI.K.K.CHANDRAN PILLAI
SRI.A.S.SAJUSH PAUL
SMT.AYSHA MOIDEEN

RESPONDENT(S)/RESPONDENTS/COMPLAINANT & ANOTHER:

-
1. VIJAYAKUMAR KAMMATH,
S/O.VENKADESWARA KAMMATH, L.I.G. 15, SANTHI NAGAR
KOOVAPPADAM, KOCHI - 682 002, MATTANCHERRY VILLAGE
KOCHI TALUK.
 2. STATE OF KERALA, REPRESENTED BY THE
DIRECTOR GENERAL OF PROSECUTION
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.TONY THOMAS (INCHIPARAMBIL)
R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 25-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

acd

P.D. RAJAN, J.

Crl.R.P.No.3066 of 2008

Dated this the 25th day of September, 2015

ORDER

This revision petitioner, who is the appellant in Crl.Appeal No.210/2008 on the file of Additional Sessions Court (Adhoc-II), Ernakulam, challenges the judgment of conviction u/s.138 of the Negotiable Instruments Act (hereinafter referred to as the N.I. Act). He was the accused in C.C.No.80/2005 on the file of Judicial First Class Magistrate-II, Kochi and convicted him and sentenced to simple imprisonment for six months and to pay fine of ₹73,000/- u/s.357(3) Cr.P.C., which was confirmed by the appellate Court. Hence this revision petition.

2. When the matter came up for hearing, the learned

counsel for the revision petitioner submitted that during the pendency of the revision petition, the revision petitioner and the 1st respondent have settled the matter and as per the settlement, the revision petitioner has paid ₹73,000/- to the 1st respondent. A joint petition, Crl.M.A.No.5285/2015, has been filed for compounding the offence.

3. The learned Public Prosecutor has no objection in compounding the matter. I have perused the compromise petition, in which both parties and their counsel have signed. When the matter is settled between the parties, there is no hesitation in allowing the application to compound the offence as held by the Apex Court in Damodar S. Prabhu v. Sayed Babalal [2010 (2) KLT 587(SC)]. Accordingly, Crl.M.A.No. 5285/2015 is allowed. When the compromise petition is allowed, it has the effect of

acquittal u/s.320(8) of Cr.P.C. In the result, the conviction and sentence passed against the revision petitioner u/s.138 of the N.I. Act are set aside and accordingly, the trial Court is directed to return the amount of ₹20,000/-, which was deposited as a condition for suspending the execution of the sentence as per the order in Crl.M.A.No.9213/2008, to the revision petitioner forthwith.

The Crl.R.P. is disposed of as above.

P.D. RAJAN, JUDGE.

acd

