

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Crl.Rev.Pet.No. 1928 of 2014 ()

AGAINST THE JUDGMENT IN CRA 500/2010 of COURT OF ADDITIONAL SESSIONS
JUDGE-I, THALASSERY DATED 14.7.2014

AGAINST THE JUDGMENT IN ST 121/2007 of COURT OF JUDICIAL I CLASS
MAGISTRATE, MATTANNUR DATED 6.11.2010

REVISION PETITIONER/APPELLANT/ACCUSED:

T.J.THOMAS, AGED 44 YEARS
S/O.THOMAS, RESIDING AT THEKKEDATH HOUSE, AYYANKUNNU
P.O.KILIYANTHARA, THALASSERY TALUK, KANNUR DISTRICT.

BY ADV. SRI.SATHEESHAN ALAKKADAN

RESPONDENTS/RESPONDENTS/STATE & COMPLAINANT:

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1. STATE,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
 2. SREE GOKULAM CHIT AND FINANCE COMPANY PVT.LTD,
IRITTY BRANCH, REPRESENTED BY ASST.BUSINESS MANAGER.

R2 BY ADV. SRI.U.P.BALAKRISHNAN
R1 BY PUBLIC PROSECUTOR SRI.N.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
06-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T.RAVIKUMAR, J.

Crl.R.P.No.1928 of 2014

Dated 6th April, 2015

ORDER

The revisionist was the accused in S.T.C.No.121 of 2007 on the files of the Court of Judicial First Class Magistrate, Mattannur. He was tried for the offence under section 138 of the Negotiable Instruments Act and found guilty thereunder. Accordingly, he was convicted and sentenced to undergo rigorous imprisonment for six months and to pay a compensation of ₹ 58,000/- to the complainant under Section 357(3) Cr.P.C. In case of failure on the part of the revision petitioner/accused to pay the amount of compensation he was directed to undergo simple imprisonment for a further period of two months. Aggrieved by the same the petitioner filed Crl.A.No.500 of 2010. The appellate court confirmed the conviction as also the sentence imposed on the revision petitioner by the trial court and dismissed the appeal. This revision petition has been filed in the said circumstances. In view of the subsequent developments I do not think it necessary to deal with the rival contentions in detail. The revision petitioner and the 2nd respondent filed a joint petition for compounding the offence under Section 147 of the Negotiable

Instruments Act. A perusal of the provisions under Section 147 of N.I. Act would reveal that an offence under Section 138 of N.I. Act is compoundable. It is evident from the joint petition filed by the petitioner and the 2nd respondent which was endorsed by the learned counsel on both sides that the dispute was amicably settled by the parties. In the said circumstances, I do not find any reason to decline the permission sought for by the parties to compound the offence under Section 138 of N.I. Act in terms of the provisions under Section 147 of N.I. Act. Accordingly, permission sought for is granted. In the result, the judgment of the Court of Additional Sessions Judge-I, Thalassery in Crl.A.No.500 of 2010 dated 14.7.2014 and the judgment of the Court of Judicial First Class Magistrate, Mattannur in S.T.C.No.121 of 2007 dated 6.11.2010 are set aside. It is made clear that the composition of the offence under Section 138 of N.I. Act will have the effect of acquittal. In terms of the settlement arrived at between the parties the amount of ₹ 20,000/- deposited by the revision petitioner/accused before the trial court has to be released to the second respondent/complainant. In the said circumstances, the second respondent/complainant is permitted to withdraw the said amount on proper application.

Sd/-
C.T.RAVIKUMAR
Judge

TKS