

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Crl.Rev.Pet.No. 2236 of 2014 ()

AGAINST THE JUDGMENT IN CRA 147/2012 of ADDL. SESSIONS COURT - II,
KALPETTA DATED 03-09-2014

AGAINST THE JUDGMENT IN ST 1859/2011 of J.M.F.C.,SULTHANBATHERY
DATED 31-07-2012

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

P.T.GEORGE
S/O.THOMAS, AGED 40 YEARS,
PALLIYATTEL HOUSE, CHETTAPPALAM P.O.
PULPALLY, S.BATTERY.

BY ADV. SMT.R.LEELA

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

1. M/S.SREE GOKULAM CHITS & FINANCE COMPANY (P) LTD,
KIZHKEBAGHATH COMPLEX, SULTHAN BATTERY
REP. BY ITS AUTHORIZED REPRESENTATIVE
SRI.SUNIL K.N., S/O.NARAYANAN, KADAMCHIRAYIL HOUSE,
MYLAMBADI P.O., PURAKKADI, APPATT, SULTHAN BATTERY.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031

R1 BY ADV. SRI.RAJ MOHAN R.PILLAI
R1 BY ADV. SRI.RAVI KRISHNAN
R2 BY PUBLIC PROSECUTOR SRI.N.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T. RAVIKUMAR, J.

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CRL.R.P. No.2236 OF 2014

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Dated this the 9th day of March, 2015

ORDER

This revision petition is filed against the concurrent conviction entered against the petitioner under section 138 of the Negotiable Instruments Act. Upon conviction under section 138 NI Act, the trial court sentenced the petitioner to undergo simple imprisonment till rising of court and he was also directed to pay an amount of ₹241696/- as compensation to the complainant under section 357(3) Cr.P.C. and in default of payment of compensation to undergo simple imprisonment for a period of six months. The petitioner unsuccessfully attempted an appeal as CrI.A.No.147 of 2012. Though the revision petitioner raised manifold contentions to mount challenge against the judgment of the trial court, the appellate court found no merit in those contentions and also found no reason to invoke the

appellate jurisdiction. Consequently, the conviction entered against the petitioner as also the sentence imposed on him therefor, were confirmed by the appellate court. This revision petition is filed in the said circumstances.

2. On 16.1.2015, the parties were referred for mediation and evidently an amicable settlement of the issues involved in this case has been arrived at. A report has been filed by the Mediator incorporating memorandum of agreement entered between the parties under section 89 of the Code of Civil Procedure read with Rules 24 & 25 of the Kerala Civil Procedure (Mediation) Rules, 2008. It would definitely reveal that the matter has been amicably settled between the parties. In such circumstances, the terms and conditions of the settlement are recorded and it is ordered that the agreement will form part of this order and that the parties are bound, hereafter, by the same. It is further ordered that after effecting the payment of the amount of compensation and the litigation expense as agreed upon, within the

time stipulated in the agreement, viz., within six months from 16.1.2015 the revision petitioner shall appear before the trial court, within a week from the date of payment of the amounts covered by the agreement, to suffer the sentence of imprisonment till the rising of the court.

This revision petition is disposed of accordingly.

**Sd/-
C.T. RAVIKUMAR
(JUDGE)**

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010

