

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

OP(Crl.).No. 81 of 2015 (Q)

AGAINST CRL.A NO. 349/2014 OF THE ADDITIONAL SESSIONS COURT,
MUVATTUPUZHA

PETITIONER/ACCUSED:

AJI.P JOHN, AGED 36 YEARS,
S/O. JOHN.P.P, M/S. IMPERIAL COMMUNICATIONS,
SHOP.NO.B.20, PENTA MENAKA,
SHANMUGHAM ROAD,
KOCHI-31,
ERNAKULAM.

BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN

RESPONDENTS/COMPLAINANT AND STATE:

1. P.S CHANDRAN,
PROPRIETOR, ASWATHY TRADERS, VINAYAKA BUILDING
M.C.ROAD, PERUMBAVOOR,
ERNAKULAM DISTRICT
PIN-683542.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY SR. GOVERNMENT PLEADER SMT.SAREENA GEORGE.P

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(Crl.).No. 81 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1. COPY OF THE JUDGMENT OF THE JFCM-II, PERUMBAVOOR IN C.C. 260/2010 DATED 7-6-2014.

EXT.P2. COPY OF THE CRL.A.NO. 349/2014 PENDING BEFORE ADDITIONAL SESSIONS COURT, MUVATTUPUZHA.

EXT.P3. COPY OF THE COMPOUNDING PETITION JOINTLY FILED BY THE PETITIONER AND THE 1ST RESPONDENT AS CRL.M.A. NO. 35/2015 IN CRL.A. NO. 349/2014.

EXT.P4. COPY OF THE REVENUE RECOVERY DEMAND NOTICE ISSUED TO ONE OF THE SURETIES NAMELY BIJUKUTTAN.

EXT.P5. PRINTOUT OF THE STATUS OF M.C. NO. 26/2014 INITIATED AGAINST THE SURETIES OF THE PETITIONER WHICH IS PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE-II, PERUMBAVOOR.

RESPONDENTS' EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

O.P(Crl) No.81 of 2015

Dated this the 24th day of March, 2015

J U D G M E N T

The petitioner herein stands convicted and sentenced under Section 138 of the Negotiable Instruments Act. An appeal filed by him is now pending before the Additional Sessions Court, Muvattupuzha as Crl.A No.349/2014. Pending the proceedings the parties came to terms and accordingly, compounded the offence. Composition was also filed in Court. The learned appellate judge directed the complainant to appear in court for recording his submission. The accused approached this Court with complaint that composition is not being entertained by the learned appellate judge. This Court accordingly called for a report. The report of the learned appellate judge is that if the parties appear in court, the composition will be recorded and the appeal will be disposed of. The petitioner's grievance is that the complainant is not in a position to come to court for giving statement. He is ready to file a proper affidavit. A proper affidavit sworn before the proper authority can be accepted in lieu of statement on oath by the

learned appellate judge. When the parties have come to terms amicably, it would be inappropriate to stand in the way of settlement.

With the above observations this Original Petition is disposed of.

**P.UBAID
JUDGE**

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