IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 15TH DAY OF DECEMBER 2020 / 24TH AGRAHAYANA, 1942

Crl.Rev.Pet.No.620 OF 2020

AGAINST THE ORDER/JUDGMENT IN CRA 64/2018 OF II ADDITIONAL SESSIONS COURT, THODUPUZHA

AGAINST THE ORDER/JUDGMENT IN ST 737/2013 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II, PEERUMEDU

REVISION PETITIONER/S:

MARTIN MATHEW,
AGED 40 YEARS,
S/O. MATHEW, THOMMITHAZHATHU HOUSE,
AMARAVATHY P. O., KUMILY, IDUKKI DISTRICT.

BY ADVS.
SRI.G.HARIHARAN
SRI.SHINE VARGHESE
SRI.PRAVEEN.H.
SMT.K.S.SMITHA
SRI.V.R.SANJEEV KUMAR

RESPONDENT/S:

1 **STATE OF KERALA,**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2 **DEEPA RAJESH,**
W/O. RAJESH, KARTHIKA HOUSE, NEAR HPC,
VALLARAKADAVU, VANDIPERIYAR,
IDUKKI DISTRICT - 685533.

R2 BY ADV. SMT.N.P.SILPA

OTHER PRESENT:

SMT. M. K. PUSHPALATHA, SR.PP

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Crl.M.A.No. 4 of 2020 has been jointly filed by the revision petitioner and the second respondent, who is the complainant before the trial court, praying for recording the composition. The parties have filed this application on the reason that the matter has been settled by the parties. This Court as per order dated 15.12.2020 in Crl.M.A.No.5 of 2020 waived the costs to be deposited by the revision petitioner before the Kerala State Legal Services Authority as a condition precedent to grant permission to compound the offence as held by the Apex Court in Damodar S. Prabhu v. Sayed Babalal [2010 (2)KLT 587 (SC)]. The offence under Section 138 of the Negotiable Instruments Act is compoundable under Section 147 of the Negotiable Instruments Act. Therefore, since the matter has been settled, it is only just and proper to grant permission to compound the offence. Accordingly, permission stands

granted and the composition stands recorded, which is having the effect of acquittal under Section 320 (8) of Cr.P.C.

In the result, this Revision Petition stands allowed, setting aside the conviction and sentence passed by the courts below under Section 138 of the N.I.Act and the revision petitioner stands acquitted under Section 320 (8) of Cr.P.C. The bail bond of the revision petitioner stands discharged.

Needless to state that the amount, if any, deposited by the revision petitioner before the trial court pursuant to the direction of this Court or the appellate court shall be released to the second respondent herein, who is the complainant before the trial court, as requested in this compromise petition.

Sd/-

B. SUDHEENDRA KUMAR,
JUDGE

STK