
(2014) 02 KL CK 0061

In the High Court Of Kerala

Case No : Crl. Rev. Pet. No. 44 of 2014 and Crl. Appeal No. 78/2003

Mohandas

APPELLANT

Vs

Somarajan Nair and State of Kerala

RESPONDENT

Date of Decision : 21-02-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320(8), 421
Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2014) 02 KL CK 0061

Hon'ble Judges : M.L. Joseph Francis, J

Bench : Single Bench

Advocate : V. Sethunath, Advocate for the Appellant; Johny K. George Advocate for R1 and Smt. Seena Ramakrishnan, Public Prosecutor for R2, Advocate for the Respondent

Final Decision : Allowed

Judgement

M.L. Joseph Francis, J.—This Criminal Revision Petition is filed by the accused in C.C. No. 185/2000 on the file of the Judicial First Class Magistrate, Ranny. The cheque amount was Rs. 80,200/-. The trial court convicted the accused u/s 138 of the Negotiable Instruments Act (for short, "the N.I. Act") and sentenced to undergo simple imprisonment for six months. In appeal filed as Crl. Appeal No. 78/2003 on the file of the Additional District and Sessions Court (Adhoc) Fast Track Court III, Pathanamthitta, the conviction was confirmed and the imprisonment was modified as imprisonment till rising of the court and ordered to pay compensation of Rs. 80,200/-, in default to undergo simple imprisonment for six months after exhausting the provisions u/s 421 of the Cr.P.C. Against that judgment, the appellant/accused filed this Criminal Revision Petition.

2. During the pendency of this Criminal Revision Petition, the revision petitioner and the first respondent/complainant filed Crl.M.A.No.1237 of 2014 stating that they have settled the matter and that permission may be granted to compound the offence. The revision petitioner has deposited Rs. 12,000/- as costs to the

Kerala State Legal Services Authority, in compliance with the direction in the decision reported in Damodar S. Prabhu Vs. Sayed Babalal H., . Since the matter is amicably settled between the parties, Crl.M.A.No.1237 of 2014 is allowed and permission is granted to the parties to compound the offence u/s 138 of the N.I. Act.

3. Accordingly, this Criminal Revision Petition is allowed. The offence u/s 138 of the N.I. Act in C.C.No.185/2000 on the file of the Judicial First Class Magistrate, Ranny is compounded and the conviction and sentence of the accused u/s 138 of the N.I. Act is set aside and he is acquitted u/s 320(8) of the Code of Criminal Procedure.