

(2012) 10 KL CK 0064

In the High Court Of Kerala

Case No : Criminal Rev. Petition No. 1516 of 2012

Suresh Kumar Pillai

APPELLANT

Vs

Ramachandran Kurup and State of Kerala

RESPONDENT

Date of Decision : 01-10-2012

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2012) 10 KL CK 0064

Hon'ble Judges : S. Siri Jagan, J

Bench : Single Bench

Advocate : N. Ashok Kumar, for the Appellant; Philip Mathew, R1 and Public Prosecutor R2, for the Respondent

Judgement

S. Siri Jagan, J.—The accused in a prosecution u/s 138 of the Negotiable Instruments Act has come up with this Criminal Revision Petition challenging the Judgments of the trial Court and the Appellate Court by which the petitioner has been convicted and sentenced to undergo simple imprisonment for one day till the rising of the Court and to pay Rs. 4,00,000/- (Rupees Four lakhs only) to the complainant as compensation under the Criminal Procedure Code. Counsel on both sides today submits that the entire compensation amount has been directly paid by the petitioner to the complainant, receipt of which the Advocate for the complainant acknowledges. The petitioner therefore submits that a day may be fixed for appearance before the magistrate for undergoing the sentence of imprisonment and the amount deposited by the petitioner before the trial Court pursuant to order dated 05.07.2012 in this Cr. R.P. may be directed to be refunded to the petitioner. I have heard both sides.

2. In view of the submissions made by both sides, this Cr. R.P. is disposed of as follows:-

The receipt of the compensation amount of Rupees Four lakhs by the 1st respondent herein pursuant to the orders of the Court below is recorded. The petitioner shall appear before the trial Court for undergoing punishment of the

imprisonment till the rising of the Court on 16.10.2012. Till then the execution of the sentence shall be kept in abeyance. The trial Court shall refund to the petitioner, the amount of Rs. 75,000/- (Rupees Seventy five thousand only) deposited by the petitioner as directed in Crl. M.A. No. 5150/2012.