

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 31ST JANUARY 2008 / 11TH MAGHA 1929

Crl.Rev.Pet.No. 2670 of 2004()

CRA.91/2001 of ADDL.SESIONS COURT-III, KOZHIKODE
ST.127/1999 of CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE
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REVN. PETITIONER: APPELLANT/ACCUSED:

P.P.ABDUL WAHAB, MANAGING PARTNER,
YOOSUF HAJI COMPANY, ANANDA BAHVAN BUILDING,
KOZHIKODE.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS: COMPLAINANT AND STATE:

1. T.P.SAJEENDRA BABU, S/O.KRISHNAN,
THAMPURAN, PADIKKAL HOUSE, KALOOR ROAD,
VALAYANAD, KOZHIKODE.

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

R1 BY ADV. SMT.T.KAMALA MENON
R2 BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 31/01/2008, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.R.P.No. 2670 of 2004

Dated this the 31st day of January, 2008

ORDER

This revision petition is directed against the concurrent verdict of guilty, conviction and sentence in a prosecution under Section 138 of the N.I. Act.

2. When this revision petition came up for hearing, it is submitted at the Bar by counsel for the rival contestants that the matter has been settled and the offence has been compounded by the complainant. A joint compromise petition duly signed by the rival contestants and counter signed by their respective counsel is also filed. The learned counsel for the respondent/complainant vouches that the signature appearing in the application for composition is that of the complainant.

3. The offence under Section 138 of the N.I. Act is now compoundable after the amendment to the N.I. Act. I am satisfied, from the submissions made at the Bar and the joint statement filed by them, that the parties have settled their dispute amicably. I find no reason not to accept the composition.

4. In the result:

(a) Crl.M.A.No. 7664 of 2007 is allowed and the composition is accepted.

(b) The acceptance of the composition shall have the effect of acquittal of the accused of the offence punishable under Section 138 of the N.I. Act as stipulated under Section 320(8) Cr.P.C.

© Consequently, this revision petition is allowed. The impugned judgments are set aside. The bail bond executed by the accused shall stand discharged and he is set at liberty.

5. Hand over the order.

(R. BASANT)
Judge

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