

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 29TH APRIL 2008 / 9TH VAISAKHA 1930

Crl.Rev.Pet.No. 1427 of 2008()

**CRA.156/2006 of ADDL.SESIONS COURT (ADHOC-I) MANJERI
ST.3558/2004 of JUDL. MAGISTRATE OF FIRST CLASS COURT, NILAMBUR
.....**

REVN. PETITIONER: APPELLANT/ACCUSED

**K.SUPRABHA,AGED 58 YEARS,
W/O.KARAMCHANDRAN,
DEEPA BHAVAN,RAMANKUTH P.O.,
NILAMBUR RS,NILAMBUR TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.VENUGOPAL (1086/92)

RESPONDENTS: RESPONDENTS/STATE/COMPLAINANT

**1. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**

**2. SURESH,AGED 40 YEARS,
S/O.SANKARAN NAIR,ODUNGATTU HOUSE,
AMARAMBALAM SOUTH - P.O.,
AMARAMBALAM AMSOM & DESOM,
NILAMBUR TALUK,MALAPPURAM DISTRICT.**

**BY ADV. SRI.P.M.RAFIQ
BY PUBLIC PROSECUTOR SRI. GIKKU JACOB**

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 29/04/2008, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

R. BASANT, J.

.....
Crl.R.P. No. 1427 OF 2008
.....

Dated this the 29th day of April, 2008

O R D E R

This revision petition is directed against a 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 from 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.4266/08 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) of the Cr.P.C.

(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.

(R.BASANT, JUDGE)

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