

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOMAS P.JOSEPH

TUESDAY, THE 30TH JUNE 2009 / 9TH ASHADHA 1931

Crl.Rev.Pet.No. 2077 of 2009(B)

CRA.563/2006 of III ADDL.SESIONS COURT, ERNAKULAM
CC.961/2004 of JUDL.MAGISTRATE OF FIRST CLASS, MUVATTUPUZHA
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REVN. PETITIONER(S)APPELLANT/ACCUSED:

BENOY JACOB, AGED 47 YEARS,
S/O.CHACKAPPAN, PROPRIETOR, MEGHA CERAMICS,
RAMAMANGALAM P.O., RAMAMANGALAM (PLAYIKUDIYIL
HOUSE), THAMMANIMATTOM KARA, RAMAMANGALAM.

BY ADV. SRI.IEANS.C.CHAMAKKALA

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

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1. NASSER P.E., S/O.EBRAHIM, POONCHERIYIL
HOUSE, PEZHAKKAPPILLY, MUVATTUPUZHA.
 2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

ADV. SRI.V.V.UNNIKRISHNAN FOR R1
PUBLIC PROSECUTOR SHRI C.S.HRITHWIK FOR R2

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 30/06/2009, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

THOMAS P. JOSEPH, J.

Crl.R.P.No.2077 of 2009

Dated this the 30th day of June, 2009.

ORDER

This revision is in challenge of judgment of learned III Additional Sessions Judge, Ernakulam in Crl.Appeal No.563 of 2006 confirming conviction but modifying sentence of petitioner for offence punishable under Section 138 of the Negotiable Instruments Act (for short, "the Act").

2. Petitioner and respondent No.1 filed Crl.M.A.No.6304 of 2009 reporting settlement and seeking permission to compound the offence.

3. It is seen from Crl.M.A. No.6304 of 2009 that parties have settled the dispute out of court. There is no reason to think that the composition is not voluntary. Offence under Section 138 of the Act is made compoundable under Section 147 of the Act. Hence permission is granted and Crl.M.A.No.6304 of 2009 is allowed. The composition entered between petitioner and respondent No.1 is accepted and that shall have the effect of acquittal of petitioner under Section 320(8) of the Code of Criminal Procedure.

Revision Petition is disposed of as above.

**THOMAS P.JOSEPH,
Judge.**

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