

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 30TH DAY OF JUNE 2016/9TH ASHADHA, 1938

Crl.Rev.Pet.No. 1105 of 2015 ()

AGAINST THE JUDGMENT IN CRA 691/2012 of III ADDL. DISTRICT COURT,
THRISSUR DATED 21-07-2015

AGAINST THE JUDGMENT IN CC 314/2009 of J.M.F.C., KUNNAMKULAM DATED
10-08-2010

REVISION PETITIONER/APPELLANT/ACCUSED:

JANARDHANAN, AGED 45 YEARS
SON OF RAGHAVAN, KANDIRUTHY HOUSE, AYINOR DESOM,
PAZHANJI P.O., THRISSUR-680542.

BY ADVS.SRI.E.VIJIN KARTHIK
SRI.P.V.JEEVESH

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:

1. M.I.SEKHARAN, AGED 58 YEARS
S/O.ITTAMAN, MARAKKATH HOUSE, KUNNAKULAM VILLAGE,
AGATHIYOOR DESOM, AGATHIYOOR P.O. THRISSUR-680503.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM-682031.

R1 BY ADV. SRI.V.V.SURENDRAN
R1 BY ADV. SRI.P.A.HARISH
R1 BY ADV. SMT.SAJITHA.S.DHARAN
R2 BY PUBLIC PROSECUTOR SRI.M.T.SHEEBA

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 30-06-2016, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.JYOTHINDRANATH, J.

**Crl.R.P.No.1105 OF 2015 &
Crl.M.A.No.3553 OF 2016**

Dated this the 30th day of June, 2016

ORDER

This Crl.R.P. is filed by the accused in C.C.No.314/2009 on the file of the Judicial First Class Magistrate Court, Kunnankulam. The said case was under Section 138 of the Negotiable Instruments Act. The petitioner herein was convicted and was sentenced. Aggrieved by the said conviction and sentence, he moved an appeal before the Sessions Court, Thrissur. The petitioner was not successful therein also. This revision petition is filed against the concurrent finding of conviction and sentence.

2. When the revision petition came up for consideration, the learned counsel for the petitioner submitted that the offence is under Section 138 of the Negotiable Instruments Act, which is a compoundable one. The petitioner filed an application under Section 147 of the Negotiable Instruments Act for compounding the offence.

3. The first respondent is also represented by a counsel. He

submitted that the matter is already settled and there is no grievance. Thus, the conviction and sentence passed by the court below in C.C.No.314/2009 on the file of the Judicial First Class Magistrate Court, Kunnankulam which was confirmed in Crl.Appeal No.691/2012 on the file of the III Additional Sessions Court, Thrissur is hereby set aside and the bail bonds will stand cancelled.

The learned counsel for the petitioner submitted that while the execution of the impugned sentence was suspended, as ordered by the sessions court and this court, deposits are made before the trial court and the said deposit may be allowed to be withdrawn. It is ordered that if in compliance of any order of this court or the sessions court, deposit is made in relation to the execution of sentence in C.C.No.314/2009 before the Judicial First Class Magistrate's Court, Kunnankulam, the said amount shall be released to the petitioner on proper application and getting proper receipt/acknowledgment.

K.P.JYOTHINDRANATH
JUDGE

SV.