

Suma Vs. State of Kerala

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Court : Kerala

Decided On : Feb-06-2014

Judge : Honourable Mr.Justice M.L.Joseph Francis

Appellant : Suma

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS THURSDAY, THE 6^H DAY OF FEBRUARY 2014 17TH MAGHA, 1935` Crl.Rev.Pet.No. 220 of 2014 ()
----- AGAINST THE

ORDER

IN CRA3832005 of ADDL.DISTRICT COURT,KOTTAYAM DATED 17-03-2006
AGAINST THE

JUDGMENT

IN CC792003 of J.M.F.C.-1,KOTTAYAM REVISION PETITIONER/REVISION PETITIONER/ACCUSED:

----- SUMA VELEKKADU
HOUSE, THAMPANKADAVU, THALIKULAM THRISSUR DISTRICT. BY ADV.
SRI.N.RADHAKRISHNAN RESPONDENTS/STATE & COMPLAINANT:
----- 1. STATE OF KERALA REPRESENTED

BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM.

2. K.K.RAJAN ERAYATHIL HOUSE, NATTIKA P.O. THRISSUR DISTRICT-680566. R2 BY ADV. SMT.GIRIJA.L. R BY PUBLIC PROSECUTOR, SMT. P MAYA THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON0602-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: M.L. JOSEPH FRANCIS J., -----
Crl.R.P. No. 220 of 2014 ----- Dated this the 6th day of February 2014

ORDER

This Criminal Revision Petition is filed by the accused in C.C. No.79 of 2003 on the file of Judicial First Class Magistrate Court-1, Kottayam challenging the conviction and sentence under Section 138 of the Negotiable Instruments Act (in short 'the NI Act'). The cheque amount was `1 lakh. The trial court convicted and sentenced to undergo simple imprisonment for one year and to pay a compensation of `1 lakh to the complainant in default to undergo simple imprisonment for four months. In Crl. Appeal No.383 of 2005 the Additional Sessions Court, Kottayam confirmed the Crl.R.P. No. 220 of 2014 :2: conviction under Section 138 of the NI Act and the accused was sentenced to undergo imprisonment till the rising of the court and also directed the accused to pay a compensation of `1 lakh to the second respondent complainant in default to undergo simple imprisonment for three months. Against that judgment the appellant/accused filed this Criminal Revision Petition.

2. During the pendency of this Criminal Revision Petition, the revision petitioner and the second respondent/complainant filed a compounding petition as Crl.M.Appln.No.736 of 2014 stating that the matter is settled between them. The revision petitioner filed Crl.M.Appln.No.851 of 2014 to exempt her from paying the compounding cost in view of the fact that her husband expired recently and that she is suffering from cancer disease. Crl.M.Appln.No.851 of 2014 is allowed and she is exempted from paying the compounding cost. Since the matter is Crl.R.P. No. 220 of 2014 :3: amicably settled between the parties, Crl.M.Appln.No.736 of 2014 is allowed and permission is granted to compound the offence under Section

138 of the NI Act. Accordingly this Criminal Revision Petition is allowed. The offence under Section 138 of the NI Act is compounded. The conviction and sentence of the accused in C.C. No.79 of 2003 on the file Judicial First Class Magistrate Court-1, Kottayam under Section 138 of the NI Act is set aside and she is acquitted under Section 320(8) of the Code of Criminal Procedure and she is set at liberty. Her bail bond is cancelled. SD/- M. L. JOSEPH FRANCIS, (JUDGE) dl/ // TRUE COPY //

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