

Surendran vs State of Kerala

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Court : Kerala

Decided On : Apr-30-2021

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Crl.Rev.Pet/318/2021

Appellant : Surendran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943 AGAINST THE ORDER/JUDGMENT IN CRA 469/2017 OF THE SESSIONS COURT, KOZHIKODE AGAINST THE ORDER/JUDGMENT IN ST 988/2015 OF JUDICIAL MAGISTRATE OF FIRST CLASS, NADAPURAM REVISION PETITIONER/APPELLANT/2ND ACCUSED: SURENDRAN AGED 44 YEARS S/O. KUNHIRAMAN, VADAKKE MRUTHEREEMMAL, MARUTHONKARA DESOM, ADUKKATH P.O, VADAKARA, KOZHIKODE, PIN - 673101. BY ADV. SRI.C.MADHUSUDHANAN RESPONDENTS/RESPONDENT/STATE/COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031. 2 MOIDU P.K
AGED 67 YEARS S/O. MUHAMMED PUNNAKKAYATHIL HOUSE,
KAVILUMPARA AMSOM DESOM, VADAKARA, KOZHIKODE, PIN -
673101. R2 BY ADV. A.CHANDRA BABU SMT. SHYALAJA S.L ,PP
THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 30.04.2021, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

C.S.DIAS, J.

===== Crl.Rev.Petition No.318 of 2021
===== Dated this the 30th day of April,
2021

ORDER

This Criminal Revision Petition is filed challenging the judgment in Crl.Appeal No.469 of 2017 of the Court of Session, Kozhikode confirming the conviction and sentence of the revision petitioner by the court of the Judicial First Class Magistrate, Nadapuram in S.T.No.988 of 2015, for an offence punishable under Section 138 of the Negotiable Instruments Act (hereinafter referred as 'the Act').

2. The learned Magistrate by the above judgment

sentenced the revision petitioner to undergo imprisonment for day till rising of the court and to pay compensation of Rs.56,000/- under Section 357(3) of the Code of Criminal Procedure. The said conviction and sentence was confirmed by the appellate court.

3. When the Revision Petition came up for hearing,

the learned counsel appearing for the revision petitioner and the learned counsel appearing for the 2 nd respondent submitted that the subject matter in dispute between the parties has been settled out of court and they have filed a joint

application under Section 147 of the Act along with Annexure I agreement to compound the offence. The 2 nd respondent has no subsisting grievance against the revision petitioner and the offence against the revision petitioner may be compound.

4. Considering the averments in the joint

application, which is signed by the parties and counter signed by the respective counsel and also Annexure I agreement, I find that the parties have amicably settled the dispute between them in accordance with law, and the offence can be compounded. In the result, Crl.M.A.No.4 of 2021 is allowed and the offence committed by the revision petitioner is compounded. Consequently, the Criminal Revision Petition is allowed and the conviction and sentence imposed on the revision petitioner in S.T.No.988 of 2015 of the Court of Judicial First Class Magistrate, Nadapuram confirmed in Crl.Appeal No.469 of 2017 by the Court of Session, Kozhikode is set aside. Sd/- C.S.DIAS JUDGE mpm APPENDIX PETITIONER'S EXHIBITS: ANNEXURE 1 ORIGINAL AGREEMENT BETWEEN THE REVISION PETITIONER AND THE 2ND RESPONDENT/COMPLAINANT DATED 11.10.2018.

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