

Bhaskaran, vs Narayanan,

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Court : Kerala

Decided On : Jan-24-2019

Judge : Honourable Mrs. Justice Mary Joseph

Appeal No. : Crl.Rev.Pet/113/2019

Appellant : Bhaskaran,

Respondent : Narayanan,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH
THURSDAY ,THE 24TH DAY OF JANUARY 2019 / 4TH MAGHA, 1940
Crl.Rev.Pet.No. 113 of 2019 AGAINST THE JUDGMENT IN CRL.A
NO.73/2007 OF ADDL. SESSIONS JUDGE, FAST TRACK COURT
NO.III (ADHOC)III, MANJERI DATED 21-06-2008 AGAINST THE
JUDGMENT IN S.T.NO.1224/2004 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT I, MALAPPURAM DATED 25.1.2007 REVISION
PETITIONER: BHASKARAN, AGED 60 YEARS S/O.PARAKADAN
KUMMANATHAN, PARAKADAN HOUSE, MORAYUR P.O, ERNAD
TALUK, MALAPPURAM DISTRICT. BY ADV. SRI.R.RANJITH
(MANJERI) RESPONDENTS: 1 NARAYANAN, S/O.PARANGODAN,

VALIYAPURAKAL HOUSE, KALAMBADI, MALAPPURAM DISTRICT, PIN 676 505. 2 THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682 031. BY ADV. SRI.A.P.NIDHIN KUMAR FOR R1 OTHER PRESENT:

(PP) SRI. C.K. PRASAD THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24.01.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.R.P.No.113/2019 2

O R D E R

In this Criminal Revision Petition, the petitioner has sought the following relief: In the circumstances, it is most humbly prayed that this Hon'ble Court may be pleased to set aside the order of conviction and sentence imposed on the revision petitioner by the judgments dated 21.6.2008 of the Additional Sessions Judge, Fast Track Court III, (ADHOC), Manjeri in CrI.A.No.73/2007 arising out of the

judgment in S.T.No.1224/2004 of the J.F.C.M-I, Malappuram dated 25.1.2007, in the interests of justice.

2. Along with the Criminal Revision Petition,

CrI.M.A.No.2/2019 was also filed. The prayer in the said application was to compound the offence under Section 138 of the Negotiable Instruments Act in view of the settlement arrived at among the revision petitioner and the 1st respondent, who was the defacto complainant in the case. It is also stated in the petition that the 1st respondent, the complainant was paid the full amount covered by the cheque and therefore, he has no objection in compounding the offence. The petition seems to have been filed by the revision petitioner and the complainant jointly and both parties have affixed their signature therein. The petition was also

countersigned by the respective counsel. Accordingly, the petition stands allowed. In view of the compounding of the offence, the judgment under challenge in the revision petition is Crl.R.P.No.113/2019 3

set aside. Accordingly, the Crl.R.P stands allowed. The finding of guilt against the petitioner for the offence under Section 138 of the N.I Act, the order of conviction and sentence imposed on the revision petitioner by judgment dated 21.6.2008 in Crl.A No.73/2007 on the files of the Additional Sessions Judge, Fast Track Court No.III (ADHOC), Manjeri stands set aside. The revision petitioner is acquitted forthwith for the offence under Section 138 of the Negotiable Instruments Act, after cancellation of the bail bond executed by him. Sd/- MARY JOSEPH JUDGE

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