

Francis K.U Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Jan. 30, 2025

Acts Referred: Bharatiya Nagarik Suraksha Samhita, 2023 " Section 359, 359(8)
Negotiable Instruments Act, 1881 " Section 138, 147

Hon'ble Judges: Dr. Kauser Edappagath, J

Bench: Single Bench

Advocate: N.C.Rajesh, S.Rekha Kumari, M.Vanaja, T.Rajesh, S.Jiji, M.P. Prasanth

Final Decision: Disposed Of

Judgement

Dr. Kauser Edappagath, J

1. This revision petition has been filed challenging the concurrent conviction and sentence in a proceedings under Section 138 of the Negotiable

Instruments Act, 1881 (for short, 'the N.I. Act').

2. The respondent No.2 filed a private complaint as S.T.No.241 of 2013 against the petitioner under Section 138 of the N.I.Act before the Judicial

First Class Magistrate Court, Idukki. The learned Magistrate found the petitioner guilty under Section 138 of the N.I.Act and he was convicted for the

said offence. He was sentenced to undergo simple imprisonment till the rising of the court and to pay a fine of Rs.10,05,000/-, in default, to suffer

simple imprisonment for a period of three months. The appeal preferred by the petitioner before the II Additional Sessions Court, Thodupuzha as

Crl.Appeal No.117 of 2015 was dismissed.

3. Now, the subject matter of the dispute has been settled between the parties. Crl.M.A.No. 1 of 2024 is filed under Section 147 of the N.I.Act r/w

Section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS') to compound the offence. In the said application, it is stated that

the matter has been settled between the parties. I am satisfied that the composition is voluntary. Hence, Crl.M.A.No. 1 of 2024 is allowed. The

offence stands compounded. The composition shall have the effect of acquittal of the petitioner under Section 359(8) of BNSS. Since the offence has

been compounded, the conviction and sentence by the impugned judgments are hereby set aside.

This criminal revision petition is disposed of as above.