
(2006) 12 KL CK 0034

High Court Of Kerala

Case No: Criminal Rev. Petition No. 4242 of 2006

Beeny Thomas

APPELLANT

Vs

State of Kerala and
Another

RESPONDENT

Date of Decision: Dec. 1, 2006

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 320(8), 357(3)
- Negotiable Instruments Act, 1881 (NI) - Section 138, 147

Citation: (2007) 3 BC 380

Hon'ble Judges: K.T. Sankaran, J

Bench: Single Bench

Advocate: George Mathew, for the Appellant; V.K. Peermohamed Khan, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

K.T. Sankaran, J.

The petitioner was found guilty for the offence u/s 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for four months and to pay a compensation of Rs. two lakhs to the complainant u/s 357(3) of the Code of Criminal Procedure and in default of payment of compensation, to undergo simple imprisonment for two months. The petitioner challenged the conviction and sentence in appeal. The Appellate Court confirmed the conviction, but modified the sentence of imprisonment as imprisonment till rising of the Court. The direction to pay compensation was confirmed. However, the default sentence was enhanced to three months by the Appellate Court.

2. Crl. M. Appl. No. 12267 of 2006, signed by the complainant as well as the accused, was filed u/s 147 of the Negotiable Instruments Act seeking to compound the offence u/s 138 of the Act. That application was allowed.

Accordingly, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted u/s 320(8) of the Code of Criminal Procedure.