

(2014) 02 KL CK 0191

High Court Of Kerala

Case No: Crl. Rev. Pet. No. 99 of 2014

V.M. Bapputty

APPELLANT

Vs

V.U. Chacko

RESPONDENT

Date of Decision: Feb. 3, 2014

Acts Referred:

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

Hon'ble Judges: M.L. Joseph Francis, J

Bench: Single Bench

Advocate: Aginov Mathappan, Advocate for the Appellant; Joju Kynady, Advocate for R1 and Smt. P. Maya, Public Prosecutor for R2, Advocate for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

M.L. Joseph Francis, J.

This Criminal Revision Petition is filed by the accused in C.C.No.943 of 1996 on the file of the Judicial First Class Magistrate - I, Muvattupuzha. The cheque amount was Rs. 60,000/-. The trial court convicted the accused u/s 138 of the Negotiable Instruments Act (for short, "the N.I. Act") and sentenced to undergo simple imprisonment for one year and to pay fine of Rs. 60,000/-, in default to undergo simple imprisonment for three months more. In case the fine amount is realised, an amount of Rs. 50,000/- was ordered to be paid to the complainant as compensation. In appeal, the conviction was confirmed and the imprisonment was reduced to simple imprisonment for one month and Rs. 50,000/- was ordered to be paid as compensation to the complainant. 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 first respondent complainant filed Crl.M.A.No.345 of 2014 stating that they have

settled the matter and that permission may be granted to compound the offence. The revision petitioner has deposited Rs. 2,500/- as costs to the Kerala State Legal Services Authority, in compliance with the direction in the decision reported in [Damodar S. Prabhu Vs. Sayed Babalal H.,](#) . Since the matter is amicably settled between the parties, CrI.M.A.No.345 of 2014 is allowed and permission is granted to the parties to compound the offence u/s 138 of the N.I. Act.

3. Accordingly, this Criminal Revision Petition is allowed. The offence u/s 138 of the N.I. Act in C.C.No.943 of 1996 on the file of the Judicial First Class Magistrate - I, Muvattupuzha is compounded and the conviction and sentence of the accused u/s 138 of the N.I. Act is set aside and he is acquitted u/s 320(8) of the Code of Criminal Procedure.