

Kerala High Court

Jalal @ Jaleel vs K.S.Salim on 20 March, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.Rev.Pet.No. 1030 of 2009()

1. JALAL @ JALEEL

... Petitioner

Vs

1. K.S.SALIM

... Respondent

For Petitioner :SRI.A.P.SUBHASH

For Respondent :SRI.R.RAJAGOPAL

The Hon'ble MR. Justice M.N.KRISHNAN

Dated :20/03/2009

O R D E R

M.N. KRISHNAN, J.

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CRIMINAL.R.P. NO. 1030 OF 2009

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Dated this the 20th day of March, 2009.

O R D E R

This revision is preferred against the judgment of the Additional Sessions Judge, Thodupuzha in Crl.A.118/07. That appeal was preferred against the conviction and sentence passed in S.T.119/06 by the Judicial First Class Magistrate-II, Thodupuzha whereby the revision petitioner was convicted and sentenced to undergo simple imprisonment for a period of one month and to pay a compensation of Rs.15,000/- and in default to undergo simple imprisonment for one month. In appeal the appellate court modified the sentence to one of imprisonment till the raising of the Court and to pay a fine of Rs.15,000/- u/s 357 (1) Cr.P.C. with default clause of one month's simple imprisonment. Now the matter is compounded between the parties as per Crl.M.A. 3069/09. It is stated therein that the defacto complainant has received the entire amount and he has no grievance against the revision petitioner. Compounding is recorded.

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2. Since compounding is recorded, under the provisions of the N.I. Act it has become necessary to set aside the conviction and sentence passed by the Judicial First Class Magistrate-II Thodupuzha and modified by the Sessions Judge in the Criminal Appeal. Therefore they are set aside. Since the matter is compounded, the compounding will have the effect of acquittal as contemplated u/s 320(8) of Cr.P.C.

The Crl.R.P. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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