

Kerala High Court

Rahim Ahammed vs A.Anzar on 2 November, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.Rev.Pet.No. 3383 of 2009()

1. RAHIM AHAMMED, S/O.AHAMMED KUNJU,
... Petitioner

Vs

1. A.ANZAR, S/O.ASANARU PILLAI,
... Respondent

2. STATE OF KERALA,

For Petitioner :SRI.D.KISHORE

For Respondent :SRI.C.K.RAFEEK

The Hon'ble MR. Justice P.S.GOPINATHAN

Dated :02/11/2009

O R D E R

P.S.GOPINATHAN, J.

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Crl.R.P.No.3383 of 2009.
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Dated this the 2nd day of November, 2009.

O R D E R

The revision petitioner is the accused in ST.No.1583/2003 on the file of the Judicial Magistrate of the First Class-III, Thiruvananthapuram. The first respondent prosecuted the revision petitioner alleging offence under Section 138 of the Negotiable Instruments Act. The learned Magistrate, after due trial, arrived a conclusion of guilt. Consequently, the revision petitioner was convicted and sentenced to simple imprisonment for one year and directed to pay Rs.60,000/- as compensation to the first respondent under Sec.357(3) of the Criminal Procedure Code. In Criminal Appeal

No.841/2006 the Addl.Sessions Judge, Fast Track-I, Thiruvananthapuram confirmed the conviction. The substantive sentence was reduced to simple imprisonment for three months. Assailing the legality, correctness and propriety of the above conviction and sentence as reduced Crl.R.P.No.3383 of 2009.

in appeal, this revision petition was filed.

2. The revision petitioner and the first respondent now settled the matter out of court and filed Crl.M.A.No.10619/2009 seeking order to compound the offence. Having heard either side, I find no reason to reject the petition. Hence Crl.M.A.No.10619/2009 is recorded and the revision petitioner is acquitted under Sec.147 of the Negotiable Instruments Act read with Sec.320(8) of the Code of Criminal Procedure and set at liberty.

Criminal Revision Petition is disposed as above.

P.S.GOPINATHAN, JUDGE.

Kvs/-