

Kerala High Court

Anitha vs Kunjukutty on 8 July, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Crl.Rev.Pet.No. 937 of 2009()

1. ANITHA , AGED 59, W/O. SUBBAYYAN,  
... Petitioner

Vs

1. KUNJUKUTTY, KELAGANEZHATHU HOUSE,  
... Respondent

2. STATE OF KERALA, TO BE REP. BY PUBLIC

For Petitioner :SRI.K.S.MADHUSOODANAN

For Respondent :SRI.BIMAL PRASAD

The Hon'ble MR. Justice THOMAS P.JOSEPH

Dated :08/07/2009

O R D E R

THOMAS P.JOSEPH, J.

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CRL. R.P. NO.937 of 2009

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Dated this the 8th day of July, 2009

O R D E R

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This revision is in challenge of judgment of learned Additional Sessions Judge (Adhoc-III), North Parur in Crl. Appeal No.718 of 2008 confirming conviction and sentence for offence punishable under Section 138 of the Negotiable Instruments Act (for short, "the Act").

2. Petitioner and respondent No.1 filed Crl.M.A No.6380 of 2009 reporting settlement and seeking permission to compound the offence.

3. It is seen from application No.6380 of 2009 that parties have settled the dispute out of court. There is no reason to think that the composition is not voluntary. Offence under Section 138 of the Act is made compoundable under Section 147 of the Act. Hence permission is granted and Crl.M.A. No.6380 of 2009 is allowed. The composition entered between petitioner and respondent No.1 is accepted and that shall have the effect of acquittal of the petitioner under Section 320(8) of Code of Criminal Procedure.

4. It is submitted by counsel for petitioner that as per order of learned Additional Sessions Judge a sum of Rs.30,000/- (Rupees Thirty CRL. R.P. No.937 of 2009 thousand only) and as per order of this Court another sum of Rs.50,000/- (Rupees Fifty thousand only) are deposited in the trial court. According to learned counsel as per the agreement entered between petitioner and respondent No.1, respondent No.1 is entitled to withdraw the said amount. Counsel says that petitioner has no objection in respondent No.1 withdrawing the said amount. Hence it is directed that the amount if any deposited by petitioner in the trial court shall be paid to respondent No.1 on application.

Criminal Revision Petition is disposed of as above.

THOMAS P.JOSEPH, JUDGE.

vsv THOMAS P.JOSEPH, J.

===== CRL. R.P. NO. OF 2000 ===== O R D E R JUNE,  
2009