

**IN THE COURT OF SESSION, SESSIONS DIVISION ,
THODUPUZZHA**

Present: Smt. Laijumol Sherif, IV Addl. Sessions Judge.

Tuesday, the 16th day of May, 2026/26th day of Chaithram , 1948.

JUDGMENT IN CRIMINAL APPEAL No.73/2023

From which Court the appeal is preferred : Judicial First Class Magistrate Court-II, Thodupuzha.

Number of Case in that Court : S.T. No. 51/2022

Name and description of the Accused/Appellant : Kannan S/o Pushkaran ,Plasseril House
Kodikulam Kara,Kodikkulam Village,
Thodupuzha Taluk

By Adv. : Vinayaraj M.S

Name and description of the Respondent / Complainant : 1. Sibu Peter,Kcchuputhenpurayil House,
Cheruthottinkara,West Kodikulam P.O.,
Thodupuzha Taluk

2. State of Kerala, represented by Public Prosecutor, Session Court, Thodupuzha
(against the judgement in ST 51/2022of the JFCM NO.2 Thodupuzha)

R1- By Adv.Shaiju P.R

R2- By Adv.Sri. V.S. Abhilash
Addl. Public Prosecutor.

The Sentence and the provision of law under which it was imposed by the Trial Court

The accused person shall undergo simple imprisonment till the raising of the court and shall pay an amount of ₹1,82,349/- (₹1,43,00/- with interest of ₹39,349/-) to the complainant as compensation u/s 357 (3) of Cr.P.C for the offence punishable u/s. 138 of N.I Act. In default of payment of compensation, the accused shall undergo simple imprisonment for six months.

Whether confirmed,
modified or reversed and
if modified, the modification :

The offence punishable under Section 138 of the Negotiable Instruments Act is hereby ordered to be compounded. Consequently, the conviction and sentence imposed on the appellant/accused in ST No.51/2022 by the Judicial First Class Magistrate Court-II, Thodupuzha stand set aside and the appellant/accused is acquitted.

Date of or on which							
Presentation	Filing	Issuance of notice to the respondent	Appearance of respondent	Appellant ordered to appear	Release on execution of bail bond	Final hearing	Judgment
1	2	3	4	5	6	7	8
07/09/23	07/09/23	11/9/23	11/09/23	05/01/24	----	12/03/26	16/06/26

This appeal coming on for hearing before me, upon perusing the appeal and the record of the evidence and proceedings and upon duly considering the same after hearing the CrI. Appeal 73/2023, I do adjudge and pass the following:

JUDGMENT IN CrI. APPEAL No. 73/2023

The appellant/accused and 1st respondent/complainant have jointly moved an application seeking permission to compound the offence under Section 138 of the Negotiable Instruments Act on the ground that the dispute between the parties has been fully and amicably settled during the pendency of the appeal and the 1st respondent/complainant has filed a statement acknowledging receipt of the entire due amount and expressing no objection to the compounding of the offence.

2. In view of the categorical consent of the complainant and in exercise of the powers conferred under Section 147 of the Negotiable Instruments Act, which provides that offences under the Act are compoundable notwithstanding anything contained in the Code, and considering Section 320(2) Cr.PC, which enables compounding at the appellate stage with leave of the Court, the application is allowed.

The offence punishable under Section 138 of the Negotiable Instruments Act is hereby ordered to be compounded. Consequently, the conviction and sentence imposed on the appellant/accused in ST No.51/2022 by the Judicial First Class Magistrate Court-II, Thodupuzha stand set aside and the appellant/accused is acquitted.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court on this the 16th day of June, 2026).

Sd/-

LAIJUMOL SHERIF
ADDITIONAL SESSIONS JUDGE-IV,
THODUPUZHA.

APPENDIX : NIL

Id/-

IV ADDL. SESSIONS JUDGE
THODUPUZHA

By Order

SHERISTADAR

//True copy//

JUDGMENT

IN

Crl. APPEAL No. 73/2023

DATED: 16/06/2026