

IN THE COURT OF SESSION, THALASSERY

Present :- Smt. Ruby K Jose, Addl. Sessions Judge-III,
Wednesday, the 22nd day of April, 2026/ 2nd Chaithra, 1947.

CRIMINAL APPEAL No.9 OF 2023

From which court the appeal is Preferred	:	Addl. Chief Judl. Magistrate, Thalassery
Number of case in that Court	:	STC No.1024/2017.
Name and description of the Appellant	:	Niyas Moidu, S/o.Moidu, Aged 45 years, Kuniyil Rahmatha Manzil, Elankode (PO).
Name and description of the Respondents	:	1. M/s.Niravath Jubilee Chits India (P) Ltd. Panoor Branch, Rep. by its Asst. Manager & POA Holder Suresh Babu.M.V., Aged 50 years, Meethale veettil, Akkanissery, Chendayad (PO), Kannur. 2. State rep. through Public Prosecutor, Thalassery.
The Sentence and the provision of law under which it was imposed by the lower court	:	The accused is sentenced to undergo imprisonment till rising of the court and to pay compensation of ₹1,02,608/- under section 138 of NI Act. In case of default of payment of compensation, the accused shall undergo simple imprisonment for one month.
Whether confirmed, reversed or modified and if modified, the modification.	:	Appeal is compounded.

Date of - or on which

Presentation	Filing	Issuance of notice to the respondent	Appearance of respondent
1	2	3	4
13-01-2023	17-01-2023	17-01-2023	20-02-2023

Appellant ordered to appear	Release on execution of bail bond	Final hearing	Judgment
5	6	7	8
...	...	16-04-2026	22-04-2026

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 arguments of S/Sri.Roopesh.K. and Simak.V., Advocates for the Appellant; of Sri.Dilesh Kumar.P., Advocate for the 1st Respondent; of the Addl. Public Prosecutor for the State/2nd Respondent, I do adjudge and pass the following:

JUDGMENT

This appeal is preferred by the appellant aggrieved by the Judgment of the learned Addl. Chief Judicial Magistrate, Court, Thalassery in STC No.1024/2017 dated 09.01.2023, sentencing him to undergo simple imprisonment till rising of court and to pay compensation of Rs.1,02,608/- to the complainant and in default, the appellant shall undergo simple imprisonment for one month u/s. 138 of the Negotiable Instruments Act.

2. When the case was taken up for hearing, the parties appeared before the Court and filed a petition seeking permission to compound the offence under Section 138 of the Negotiable Instruments Act, in terms of Section 147 of the N.I. Act. The sworn statement of the power

of attorney holder of the complainant is recorded and he deposed that the appellant paid all the cash due and the matter has been settled between the parties and he has no complaint against the appellant.

3. After recording sworn statement, this court finds that the case is compromised lawfully between the parties. Therefore, this court finds that the matter lawfully settled between the parties and permission is granted to the petitioner to compound the offence.

In the result, the case is compounded and the composition will have the effect of acquittal of the accused under section 359(8) of BNSS. Therefore, the accused is acquitted and the bail bond executed by the accused/ appellant stands cancelled and he is set at liberty. The appeal is allowed accordingly.

(Dictated to the Confidential Assistant, typed by her directly to the computer, corrected and pronounced by me in open Court, the 22nd day of April, 2026).

ADDL. SESSIONS JUDGE-III

Appendix:- Nil.

ADDL. SESSIONS JUDGE-III

PM.

	COURT OF SESSION, THALASSERY (Addl. Sessions Court-III, Thalassery)
	CRL. APPEAL No.9/2023
	JUDGMENT
	DATED : 22-04-2026.
To,	
1.	The Registrar, High Court of Kerala, Ernakulam, Kochi - 682031
2.	The Addl. Chief Judl. Magistrate, Thalassery
3.	The Public Prosecutor, Thalassery.
4.	
