

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Crl.Rev.Pet.No. 2916 of 2003 ()

CRL.A 62/2001 of ADDITIONAL SESSIONS JUDGE, FAST TRACT-I, PALAKKAD

DATED 18-10-2003

STC 3814/1998 of J.M.F.C., PATTAMBI

REVISION PETITIONER/APPELLANT/ ACCUSED :

**N.P.RAJAGOPALAN, S/O KALI, AGED 38 YEARS,
NARIPATTAPARAMBIL HOUSE, POST KODUMUNDA,
PATTAMBI, OTTAPALAM TALUK, PALAKKAD DIST.**

**BY ADVS.SRI.P.T.DINESH
SMT.SUSMITHA P.MALLAYA**

RESPONDENT(S)/COMPLAINANT & STATE :

- 1. V.BALACHANDRAN, S/O AYYAPPAN,
VANIYAMPARAMBATTU VEEDU, ALOOR POST,
PATTITHARA, OTTAPALAM TALUK, PALAKKAD DISTRICT**
- 2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
26-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

P.D.RAJAN, J.

Crl.R.P.No.2916 of 2003

Dated this the 26th day of October, 2015

ORDER

Revision petitioner is the appellant in Crl.Appeal No.62/2001 on the file of Additional Sessions Court-I, Fast Track, Palakkad, challenges the concurrent conviction under Section 138 of the Negotiable Instruments Act (hereinafter called 'the NI Act' for short). He is the accused and the 1st respondent is the complainant in ST No.3814/1998 on the files of Judicial First Class Magistrate Court, Pattambi, under Section 138 of the NI Act. He was convicted and sentenced to undergo simple imprisonment for 3 months and to pay a compensation of Rs.25,000/- under Section 357(3) of the Code of Criminal Procedure. Against that he preferred an appeal, which was dismissed by the appellate court. Being aggrieved by that, he preferred this revision petition.

2. The complainant's case is that accused

borrowed a sum of Rs.30,000/- and in discharge of that liability, he issued Ext.P1 cheque, drawn on Canara Bank, Trithala branch. When it was presented for encashment, it was dishonored for the reason of 'funds insufficient'. First respondent demanded the money by giving a notice in writing. Even after receipt of notice, there was no payment. In the circumstance, the above complaint was filed.

3. During trial, complainant was examined as PW1 and his documents were marked as Exts.P1 to P5. The incriminating circumstances brought out in evidence were denied by the accused, while questioning him. He did not adduce any defence evidence.

4. Heard both sides. When the matter came up for hearing, the learned counsel appearing for the revision petitioner submitted that he had already undergone 3 months imprisonment as directed by the trial court and he is not interested in prosecuting the matter. He is ready to pay the compensation amount, since default clause was not included in the sentence that position need not be

disturbed. In the light of the submission made by the learned counsel, this revision petition is dismissed for non-prosecution.

Sd/-
P.D.RAJAN
JUDGE

VS