

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Crl.Rev.Pet.No. 2181 of 2009 ()

Crl.A 334/2008 OF THE ADDITIONAL SESSIONS COURT, (ADHOC)-I, KOTTAYAM

ST 22/2007 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT- II,
CHENGANACHERRY

REVISION PETITIONER(S) /APPELLANT/ACCUSED:

R.RAJEEV,
AKASHALAYIL HOUSE, KUMARANALLOOR PO, KOTTAYAM.

BY ADVS.SRI.MOHAN JACOB GEORGE
SMT.P.V.PARVATHI
SMT.REENA THOMAS
SRI.L.RAM MOHAN
SRI.N.JAMES AUGUSTINE

RESPONDENT(S) /RESPONDENTS/STATE/COMPLAINANT:

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1. STATE OF KERALA,
REP.BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA
 2. K.GEORGE YOHANNAN,
KORACHERIL HOUSE, THRIKKODITHANAM PO, CHANGANACHERRY.

R1 BY ADV. PUBLIC PROSECUTOR SRI.V.S.SREEJITH
R2 BY ADV. SRI.C.HARIKUMAR
R2 BY ADV. SMT.V.V.ASHA

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No. 2181 of 2009

Dated this the 23rd day of November, 2015

ORDER

The accused in S.T.No.22 of 2007 on the files of the Court of the Judicial Magistrate of First Class-II, Changanacherry has filed this revision petition challenging the concurrent finding of conviction and sentence passed by the courts below under Section 138 of the N.I.Act.

2. Heard.

3. The prosecution allegation is that the revision petitioner issued Ext.P8 cheque in favour of the complainant towards the discharge of the liability of the revision petitioner to the complainant. The complainant presented the said cheque for encashment. However, the same was dishonoured due to insufficiency of funds in the account of the revision petitioner. Statutory notice was issued to the revision petitioner, which was received by the revision petitioner.

4. Before the trial court, PW1 was examined and Exts.P1 to P9 were marked for the complainant. DW1 and DW2 were examined and Ext.D1 was marked for the revision petitioner.

5. The courts below correctly evaluated the oral and documentary evidence and concurrently found that the revision petitioner executed Ext.P8 cheque as contemplated under Section 138 of the N.I Act and committed the offence under Section 138 of the N.I Act, repelling the defence set up by the revision petitioner. No circumstance has been brought to my notice to indicate that the appreciation of evidence or concurrent finding by the courts below is perverse or incorrect. In the said circumstances, the concurrent finding by the courts below that the revision petitioner committed the offence under Section 138 of N.I Act does not warrant any interference by this court.

6. The appellate court had taken a very lenient view in the matter of sentence. Therefore, the sentence awarded by

the appellate court also does not warrant any interference by this Court.

In the result, this revision petition stands dismissed. However, the revision petitioner is granted six months to pay the fine.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl/23.11.2015

True Copy

PA to Judge

