

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 901 of 2010

CRL.A 819/2008 of ADDITIONAL SESSIONS COURT (ADHOC), ERNAKULAM
CC 2449/2004 of JUDL.M.F.C.-I,ERNAKULAM

REVISION PETITIONERS/(APPELLANT/ACCUSED):

HARIKUMARAN THAMPI, S/O.K.V.THAMPI,
HOUSE NO.301, PEARL HAVEN, HAMZAKUNJU LANE
S.R.M.ROAD, COCHIN-18.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT(S)/(RESPONDENTS/COMPLAINANT):

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1. SRI.DON BOSCO, S/O.K.A.XAVIER,
HOUSE NO.66/377, DIVYA DEEPTHI, D.S.NARAYANAN ROAD,
PACHALAM, COCHIN-12.
 2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.C.S.DIAS
R1 BY ADV. SRI.N.K.SUBRAMANIAN
R1 BY ADV. SMT.P.K.DHANYA
R1 BY ADV. SMT.NIMMY JOHNSON
R2 BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
02-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.901 of 2010

Dated this the 2nd day of December 2015

O R D E R

The accused in C.C.No.2449 of 2004 on the files of the Court of the Judicial Magistrate of First Class - I, Ernakulam has filed this revision petition challenging the concurrent finding of conviction and sentence passed by the courts below under Section 138 of the Negotiable Instruments Act (for short 'the N.I. Act).

2. Heard.

3. The prosecution allegation is that the revision petitioner executed Ext.P1 cheque in favour of the complainant towards the discharge of the liability 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 received by the revision petitioner.

4. Before the trial court, PW1 was examined and Exts.P1 to P6 were marked for the complainant. DW1 and DW2 were examined and Exts.D1 and D2 were marked for the revision petitioner.

5. The courts below, relying on the documentary as well as oral evidence adduced by the parties, concurrently found that the revision petitioner had executed Ext.P1 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 contentions of the revision petitioner. No

circumstance has been brought to my notice to indicate that the appreciation of evidence by the courts below was 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 the N.I. Act does not warrant any interference by this court.

6. The sentence awarded by the appellate court also does not call for any interference by this court.

In the result, this revision petition stands dismissed.

The revision petitioner is granted four months to pay the fine, as requested by the learned counsel for the revision petitioner.

SD/
B.SUDHEENDRA KUMAR,
JUDGE

dl/5.12.2015

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PA to Judge