

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1072 of 2010 ()

CRL.A 585/2005 of ADDITIONAL SESSIONS COURT (ADHOC-1), PALAKKAD
ST 3902/2004 of J.M.F.C.,ALATHUR

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

K.R.RAGHURAJAN, S/O. K.C.RAMAN,
KOLLAKATTIL HOUSE, VALLACHIRA P.O., TRICHUR DISTRICT.

BY ADVS.SRI.T.M.SUNIL
SMT.S.CHITHRA

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

PETER KANAKARAJ, S/O. AMRITHAM,
ERUMANKULATHIL, KOZHIPARA, CHITTUR.

BY ADV. SRI.A.T.ANILKUMAR
BY ADV. SMT.V.SHYLAJA

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
04-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.1072 of 2010

Dated this the 4th day of December 2015

O R D E R

The accused in S.T.No.3902 of 2004 on the files of the Court of the Judicial Magistrate of First Class, Chittur 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 towards the discharge of the liability, the revision petitioner issued Ext.P1 cheque in favour of the complainant. The

complainant presented the said cheque for encashment. However, the same was dishonoured, as the account was closed by the revision petitioner. Statutory notice was received by the revision petitioner.

4. Before the trial court, PW1 was examined and Exts.P1 to P5 were marked for the complainant. DW1 was examined for the revision petitioner.

5. The courts below appreciated the oral and documentary evidence adduced by the parties and 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 is available before the Court to indicate that the concurrent finding 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 three months to pay the fine, as requested by the learned counsel for the revision petitioner.

SD/-
B.SUDHEENDRA KUMAR,
JUDGE

dl/7.12..2015

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PA to Judge