

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

Crl.Rev.Pet.No. 3243 of 2009 ()

Crl.A 1004/2006 OF THE SESSIONS COURT, THIRUVANANTHAPURAM
ST 331/2006 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-VIII,
THIRUVANANTHAPURAM

REVISION PETITIONER/APPELLANT/ACCUSED:

M.SUSEELA (MARUTHOORKADAVU) ,
CHIEF TELEPHONE CONTROLLER, BSNL, STATUE
THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENT(S)/RESPONDENTS/COMPLAINANT & STATE:

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1. R.SUNITHA NUJUM, NOUSHAD MANZIL,
ATTAKULANGARA, FORT.P.O, THIRUVANANTHAPURAM.
 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 21-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No.3243 of 2009

Dated this the 21st day of November, 2015

ORDER

The accused in S.T.No.331 of 2006 on the files of the Court of the Judicial Magistrate of First Class-VIII, Thiruvananthapuram 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 executed Ext.P1 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. However, the revision petitioner did not pay the cheque

amount within the statutory period or thereafter.

4. Before the trial court, PW1 was examined and Exts.P1 to P5 were marked for the complainant. DW1 and DW2 were examined for the revision petitioner.

5. The courts below correctly appreciated the oral and documentary evidence adduced by the parties and concurrently found that the revision petitioner 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, rejecting the contentions set up by the defence. No circumstance has been brought to my notice to indicate that the 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. In the said circumstances, 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**

ScI/21.11.2015

True Copy

PA to Judge