

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 3452 of 2009 ()

Crl.A 162/2007 of ADDITIONAL DISTRICT & SESSIONS COURT (ADHOC), THODUPUZHA
ST 89/2006 of J.M.F.C.-II, THODUPUZHA

REVISION PETITIONER(S)/REVISION PETITIONER/APPELLANT/ACCUSED:

SASIDHAN, S/O. AYYAPPAN PILLAI
THODUPUZHA KOTTARAPPATTU HOUSE, KEERIKODU KARA
THODUPUZHA EAST.P.O.

BY ADVS.SRI.C.M.TOMY
SRI.K.J.JOSEMON

RESPONDENTS/COMPLAINANT & STATE:

-
1. DHANA LAKSHMI FINANCE AND HIRE
PURCHASE LTD., MANAGING PARTNER, GOPINATHAN
S/O. THANKAPPANACHARI, SINDUSADAN VEETIL
KANJIRAMATTOM KARA.
 2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR, SHRI.R.GITHESH
R1 BY ADV. SRI.RENJITH B.MARAR
R1 BY ADV. SRI.L.RAJESH NARAYAN
R1 BY ADV. SRI.P.S.LAL MANOJ
R2 BY ADV. SRI.C.V.MANUVILSAN

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
01-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.3452 of 2009

Dated this the 1st day of December 2015

O R D E R

The accused in S.T.No.89 of 2006 on the files of the Court of the Judicial Magistrate of First Class - II, Thodupuzha 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 issued Ext.P2 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 received by the revision petitioner.

5. Before the trial court, PW1 was examined and Exts.P1 to P7 were marked for the complainant. Exts.D1 and D2 were marked on the side of the revision petitioner.

6. 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.P2 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.

7. 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 compensation, as requested by the learned counsel for the revision petitioner.

Sd/-

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/5.12.2015

// True Copy //

PA to Judge