

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Crl.Rev.Pet.No. 391 of 2015 ()

AGAINST THE JUDGMENT IN CRA 284/2013 of ADDL.SESIONS JUDGE-I,
KOTTAYAM DATED 05-11-2014

AGAINST THE JUDGMENT IN ST 150/2012 of J.M.F.C.-II, VAIKOM
DATED 18-07-2013

REVISION PETITIONER(S):APPELLANT/ACCUSED:-

SHALEEL KHAN ,
S/O.SUHARA BEEVI
AGED 43 YEARS, RESIDING AT RUSSEL HOUSE
WEST GATE, NADUVILE VILLAGE, VAIKOM P.O
KOTTAYAM DISTRICT

BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI

RESPONDENT(S):RESPONDENTS/COMPLAINANT & STATE

1. MADHUKUMAR
S/O.KUMARAN NAIR,
RESIDING AT MANICATH HOUSE
EAST GATE, VAIKOM P.O,
KOTTAYAM DISTRICT-686141
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031

R2 BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.T. RAVIKUMAR, J.

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CRL.R.P. No. 391 OF 2015

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Dated this the 24th day of March, 2015

ORDER

This revision petition is directed against the judgment in Crl.Appeal No.284 of 2013 of the Court of Additional Sessions Judge-I, Kottayam. The petitioner was tried for an offence under section 138 of the Negotiable Instruments Act. He was found guilty thereunder and the trial court sentenced him to undergo simple imprisonment for six months. He was also directed to pay a compensation of ₹ 5,00,000/- to the complainant under section 357(3) Cr.P.C. and to undergo simple imprisonment for a further period of six months in case of default of payment of compensation. The petitioner took up the matter in appeal as Crl.Appeal No.284 of 2013. After re-appreciating the evidence on record, the appellate court found no ground for interference with judgment of the trial court and accordingly, the conviction entered against the petitioner under section 138 of the NI Act was confirmed. However, the appellate

court interfered with the substantive sentence imposed on the revision petitioner and set it aside. For the conviction thereunder, the appellate court sentenced him to pay a fine of ₹6,25,000/- and in default of payment of fine, he was directed to undergo simple imprisonment for a period of three months. Out of the fine amount, if realised, an amount of ₹6,20,000/- was directed to be paid to the complainant as compensation under section 357(1) Cr.P.C. This revision petition is directed against the said judgment.

2. The learned counsel for the revision petitioner submitted that the existence of a legally enforceable debt was admitted by the petitioner through Ext.P7 reply notice itself and hence, seeks only some reasonable time to effect payment of fine. Considering the said submission and taking note of the amount payable under the impugned judgment, I think it appropriate, while confirming the conviction and sentence, to direct the learned Magistrate to keep in abeyance execution of the sentence for a period of eight months to

enable the petitioner to pay the amount of fine within the above stipulated time. Ordered accordingly. Needless to say that in case of failure on the part of the petitioner to deposit the amount of fine within the above stipulated time, the trial court shall take appropriate steps for the execution of the sentence, in accordance with law.

Subject to the above, this revision petition is dismissed.

Sd/-

C.T. RAVIKUMAR
(Judge)

spc/

C.T. RAVIKUMAR, J.

JUDGMENT

September, 2010

