

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Crl.Rev.Pet.No.478 of 2015

**Crl.A No.468/2010 OF THE ADDITIONAL DISTRICT AND SESSIONS COURT-V,
THIRUVANANTHAPURAM.
ST No.85/2005 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-VI,
THIRUVANANTHAPURAM**

PETITIONER/APPELLANT/ACCUSED:

**T.SUDHA,W/O.SHRI.LEKSHMANAN.M.,
LEKSHMANA NILAYAM,KOOLIYOOR,
MUTTUKKAD,THIRUVALLAM P.O**

**BY ADVS.SRI.SANU.S.PANICKER
SRI.T.A.PRAKASH**

RESPONDENT'S/RESPONDENTS/COMPLAINANT & STATE:

- 1. SUKUMARA PILLAI,SREE NILAYAM,KALLAMPALLY,
ULLOOR,THIRUVANANTHAPURAM-695001.**
- 2. STATE OF KERALA,REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM**

**R1 BY ADV.SRI.AYYAPPAN SANKAR
R2 BY PUBLIC PROSECUTOR SRI.N.SURESH.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 10-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

C.T.RAVIKUMAR, J

Crl.R.P.No. 478 of 2015

Dated this the 10th day of April, 2015

ORDER

This revision petition is filed against the conviction concurrently entered against the revision petitioner under section 138 of the Negotiable Instruments Act. The court of the Judicial First Class Magistrate -VI, Thiruvananthapuram tried him in S.T.No. 85/2005 and found the revision petitioner guilty under section 138 of the Negotiable Instruments Act and convicted him thereunder and sentenced him to undergo simple imprisonment for a period of 10 days and to pay a fine of ₹ 33,000/-. The whole amount of fine was directed to be paid to the complainant under section 357(1), Cr.P.C and in default of payment of fine he was ordered to undergo simple imprisonment for a further period of one month. Crl.A.No 468/2010 was filed by the revision petitioner against the said judgment. In the appeal the appellate court confirmed the conviction, but modified the sentence. The sentence to undergo simple imprisonment for 10 days was modified as imprisonment till the rising of the court.

Evidently, the sentence to pay a fine of ₹33,000/- and all other directions were maintained. This revision petition is filed against the said judgment. After arguing for some time, the learned counsel for the petitioner submitted that the petitioner may be granted some reasonable time to effect payment of fine amount. Having gone through the judgment of the courts below, I do not find any reason to interfere with the conviction concurrently entered against the revision petitioner. The sentence imposed on the revision petitioner for the offence under section 138 of the N.I.Act was modified by the appellate court and the modified sentence imposed on the revision petitioner by the appellate court cannot be said to be exorbitant inviting interference in exercise of revisional jurisdiction. In such circumstances, I am of the view that while confirming the conviction and the sentence some reasonable time can be granted to the petitioner to pay the amount of fine. In the result, while confirming the conviction and the sentence imposed on the revision petitioner for the offence under section 138 of the N.I.Act the learned magistrate is directed to keep in abeyance the execution of the sentence for three months to enable

the revision petitioner to pay the amount of fine and to appear before the trial court to undergo imprisonment till the rising of the court, within the above stipulated time. In case of failure on the part of the revision petitioner pay the amount of fine and to appear before the trial to suffer imprisonment, within the above stipulated time, the learned magistrate shall take appropriate steps, in accordance with law to execute the sentence, forthwith.

Subject to the above, this revision petition is dismissed.

Sd/-

C.T.RAVIKUMAR,JUDGE.

dlk