

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Crl.Rev.Pet.No. 983 of 2015 ()

AGAINST THE JUDGMENT IN CrI.APPEAL 336/2013 of ADDITIONAL DISTRICT & SESSIONS COURT, MUVATTUPUZHA DATED 05-12-2014

AGAINST THE JUDGMENT IN CC 219/2009 COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS, KOTHAMANGALAM DATED 01-06-2013

PETITIONER/APPELLANT/ACCUSED:

SREERAJ, AGED 39 YEARS
S/O. RAMAKRISHNAN NAIR, KUNNATH HOUSE, ELANGAVAM
VARAPPETTY P.O., KOTHAMANGALAM.

BY ADVS.SRI.V.K.DINESH KUMAR
SUNIL C. KUTTAPPAN

RESPONDENTS/RESPONDENT/COMPLAINANT & STATE:

1. U.C.MATHAI
UZHUNNUNKAL HOUSE, PALLARIMANGALAM P.O.,
ADIVADU,
KOTHAMANGALAM.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, COCHIN-682031.

R1 BY ADV. SRI.S.JIJI
R2 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 16-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No. 983 of 2015

Dated this the 16th day of October, 2015

ORDER

The revision petitioner is the accused in CC No.219/2009 on the files of the Court of the Judicial Magistrate of First Class, Kothamangalam.

2. The revision petitioner was convicted by the trial court under Section 138 of the Negotiable Instruments Act and sentenced to imprisonment for six months and to pay a compensation of Rs.5,00,000/-. In the appeal, the conviction was confirmed and the sentence was modified to imprisonment till the rising of the court and to pay a compensation of Rs.5,00,000/-, under Section 357(3) Cr.PC. Aggrieved by the said conviction and sentence, this revision petition has been filed.

3. When this matter has been taken up for hearing, the learned counsel for the revision petitioner has submitted that the revision petitioner had already

undergone the sentence awarded by the appellate court and in the said circumstances, this revision petition is not pressed. Suffice it to say that having gone through the relevant inputs, I am satisfied that the concurrent finding of the courts below that the revision petitioner committed the offence under Section 138 of the NI Act does not suffer from any illegality, impropriety or incorrectness warranting interference by this Court. The sentence awarded by the appellate court also appears to be reasonable.

In the result, this revision petition stands dismissed. Needless to state that the revision petitioner shall be entitled to get reimbursement of the amount, if any, deposited by the revision petitioner before the trial court in connection with this case, on filing application in this regard, before the trial court.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE