

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1505 of 2015 ()

AGAINST THE JUDGMENT IN Crl.A 37/2014 of ADDL. SESSIONS COURT (SPL), KOTTAYAM
DATED 29-11-2014

AGAINST THE JUDGMENT IN ST 116/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT-
II, PALA DATED 31.01.2014

PETITIONER/APPELLANT/ACCUSED:

INDUMOL AGED 41 YEARS
W/O. DILEEPKUMAR, RESIDING AT MANGATTUKUNNEL HOUSE
MELAMPARA P.O., THALAPPALAM VILLAGE
KOTTAYAM DISTRICT.

BY ADV. SRI.RAJAGOPAL PADIPPURACKAL

RESPONDENTS/RESPONDENTS/STATE:

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1. KERALA STATE
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.
 2. M/S. CONFLEX CHIT PVT. LTD.
THODUPUZZHA
REP. BY ITS POWER OF ATTORNEY HOLDER V.M.MATHEW
S/O. MATHEW, VANCHIKKALIL HOUSE, VANCHIKKALIL KARA.
- R2 BY ADV. SRI.P.C.HARIDAS
R1 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
04-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

AV

B. SUDHEENDRA KUMAR, J.

Crl.R.P.No.1505 of 2015

Dated this the 4th day of December, 2015.

O R D E R

The accused in S.T.No.116 of 2011 on the files of the Judicial First Class Magistrate Court-II, Pala 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 ('N.I. Act' for short).

2. 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 in connection with a chitty transaction. 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.

3. Before the trial court, PW1 was examined and Exts.P1 to P8 were marked for the complainant. No evidence was adduced from the side of the revision petitioner.

4. The courts below correctly evaluated the oral and documentary evidence adduced by the complainant and concurrently found that the revision petitioner executed Ext.P1 cheque as contemplated 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 or concurrent finding by the courts below is perverse or incorrect. In such circumstance, 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. 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 compensation.

Sd/-
B. SUDHEENDRA KUMAR,
JUDGE

AV