

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

Crl.Rev.Pet.No. 1513 of 2015 ()

Crl.A 815/2010 OF THE SESSIONS COURT, THRISSUR

CC 1072/2009 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KODUNGALLUR

REVISION PETITIONER/APPELLANT/ACCUSED:

ANNIES, AGED 42 YEARS
W/O.ANTONY, KODALIPARAMBIL HOUSE, KOMBARA
IRINJALAKUDA P.O., PIN 680121.

BY ADVS.SRI.DILEEP VARGHESE
SMT.TESMY VARGHEESE

RESPONDENT(S)/RESPONDENTS/COMPLAINANT & STATE:

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1. UNNIKRISHNAN, AGED ABOUT 40 YEARS,
S/O.GOVINDAN, KOKKUVAYIL HOUSE
SREENARAYANAPURAM VILLAGE, KOTHAPARAMBU P.O.
PIN 680668, THRISSUR DISTRICT.
 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

RS BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 21-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No.1513 of 2015

Dated this the 21st day of November, 2015

ORDER

The accused in S.T.No.1072 of 2009 on the files of the Court of the Judicial Magistrate of First Class, Kodungallur has filed this revision petition challenging the concurrent finding of conviction and sentence passed by the courts below under Section 138 of the N.I.Act.

2. Heard.

3. 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. 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 issued was received by the revision petitioner.

4. Before the trial court, PW1 was examined and Exts.P1 to P7 were marked for the complainant. No evidence was adduced on the side of the revision petitioner.

5. The courts below correctly appreciated the oral and documentary evidence and found that the revision petitioner executed Ext.P1 cheque as contemplated under Section 138 of the N.I Act and committed the offence under Section 138 of the N.I Act. No circumstance is available before the court to indicate that the concurrent finding by the courts below is 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 N.I Act does not warrant any interference by this court.

6. The courts below had taken a very lenient view in the matter of sentence. In the said circumstances, the sentence awarded by the courts below 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**

Scl/21.11.2015

True Copy

PA to Judge