

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. 1514 of 2015 ()

Crl.A 472/2013 OF THE SESSIONS COURT, ALAPPUZHA

ST 1189/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
CHERTHALA

REVISION PETITIONER/APPELLANT/ACCUSED:

SINDHU AJAYAN
KAITHAKUZHAYIL, PERUMBALAM P.O., CHERTHALA
ALAPPUZHA DISTRICT.

BY ADV. SRI.C.K.PRASAD

RESPONDENTS/RESPONDENTS/COMPLAINANTS:

1. JOSEPH THOMAS
PONNAKERIL, ULAVAIPPU P.O., PANAVALLY
CHERTHALA, ALAPPUZHA DISTRICT- 688001.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R2 BY PUBLIC PROSECUTOR SRI.R.GITESH

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.1514 of 2015

Dated this the 21st day of November, 2015

ORDER

The accused in S.T.No.1189 of 2011 on the files of the Court of the Judicial Magistrate of First Class-II, Cherthala 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 was issued on behalf of the complainant, which was received by the revision petitioner.

4. Before the trial court, PW1 was examined and

Exts.P1 to P6 were marked for the complainant. No evidence was adduced on the side of the revision petitioner.

5. The courts below correctly evaluated 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 material is available before the court to indicate that the appreciation of the evidence 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 appellate court had taken a very lenient view in the matter of sentence. Therefore, the sentence awarded by the appellate court also does not warrant any interference by this Court.

In the result, this revision petition stands dismissed.

**Sd/-
B. SUDHEENDRA KUMAR
JUDGE**