

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1517 of 2015 ()

AGAINST THE JUDGMENT DATED 5TH JUNE, 2015 IN CRL.A.77/2014
of ADDL. DISTRICT & SESSIONS COURT -V, THIRUVANANTHAPURAM,

AGAINST THE JUDGMENT DATED 28TH JANUARY, 2014 IN ST
22/2012 of J.M.F.C.-IX, THIRUVANANTHAPURAM

REVISION PETITIONER(S):

B.PRADEEP KUMAR, S/O. BHARGAVAN,
THIRUVANANTHAPURAM, T.C. NO. 10/564,
MANNAMTHALA P.O. THIRUVANANTHAPURAM

BY ADV. SRI.SOJAN MICHEAL

RESPONDENT(S):

1. M/S. SREE GOKULAM CHITS AND FINANCE CO. PVT. LTD,
HAVING REGISTERED OFFICE AT SREE GOKULAM TOWERS,
66, ARCOT ROAD, KODAMBAKKAM, CHENNAI,
REPRESENTED BY
ITS MANAGING DIRECTOR THROUGH HIS POWER OF
ATTORNEY HOLDER S. SURESH KUMAR, LEGAL ASSISTANT,
M/S. SREE GOKULAM CHITS AND FINANCE CO.PVT.LTD.,
ULLOOR MEDICAL COLLEGE,
THIRUVANANTHAPURAM , PIN - 695 011
2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI - 682 031

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH FOR R2

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR
ADMISSION ON 23-11-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

B. SUDHEENDRA KUMAR, J.

.....
Crl.R.P. No. 1517 of 2015
.....

Dated this the 23rd day of November, 2015

ORDER

The accused in S.T. No. 22 of 2012 on the files of the Court of the Judicial Magistrate of First Class-IX, Thiruvananthapuram, 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, 1881.

2. The prosecution case is that the revision Petitioner executed Ext. P2 cheque in favour of the complainant towards the discharge of the liability of the revision petitioner. 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 which was received by the revision petitioner.

3. Before the trial Court, PW1 was examined and Exts. P1 to P10 were marked for the complainant. No

evidence was adduced on the side of the revision Petitioner.

4. The courts below thoroughly appreciated the oral and documentary evidence adduced by the complainant and concurrently found that the revision petitioner executed Ext.P2 cheque as contemplated under Section 138 of the N.I.Act and committed the offence under Section 138 of the N.I.Act, repelling the defence set up by the revision petitioner.

5. No circumstance has been brought to the notice of this 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 the N.I.Act does not warrant any interference by this Court.

6. 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 two months to pay the fine.

SD/- B. SUDHEENDRA KUMAR,
JUDGE.

ani/ 23-11-2015

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P.S. To Judge