

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. 1525 of 2015 ()

Crl.A 80/2014 OF THE ADDITIONAL SESSIONS COURT, THODUPUZHA
ST 1996/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ADIMALY

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

RAJESH K.V, AGED 40 YEARS
S/O.VIJAYAN, R/AT KALLARACKAL HOUSE
VIMALAGIRI POST & VILLAGE, KARIKKINTHOTLAM
IDUKKI DISTRICT.

BY ADV. SRI.S.JIJI

RESPONDENT(S)/COMPLAINANT & STATE:

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1. SASIKUMAR K.N.
S/O.NARAYANAN, KALLARACKAL HOUSE, MANNAMKANDOM.P.O.
& VILLAGE, 200 ACRE, ADIMALY
IDUKKI DISTRICT.
 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.JOSEPH SEBASTIAN PURAYIDAM
R2 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No. 1525 of 2015

Dated this the 23rd day of November, 2015

ORDER

The accused in S.T.No.1996 of 2011 on the files of the Court of the Judicial Magistrate of First Class, Adimaly 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 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 evaluated the oral and documentary evidence adduced by the parties and concurrently 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, 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 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. However, the revision petitioner is granted eight months to pay the fine as requested by the learned counsel for the revision petitioner.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl/23.11.2015

True Copy

PA to Judge