

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. 1543 of 2015 ()

Crl.A 197/2014 of III ADDL.DISTRICT & SESSIONS COURT, PALAKKAD
ST 5108/2012 of J.M.F.C.,ALATHUR

REVISION PETITIONER/REVISION PETITIONER/APPELLANT/ACCUSED:

VIJU, AGED 27 YEARS
S/O KRISHNAN, PAYYANKODE HOUSE, KAIRADY P.O.
NEMMARA, PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/RESPONDENTS/RESPONDENTS/COMPLAINANT AND STATE:

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1. M.K.GIREESH KUMAR, AGED 42 YEARS
S/O MANIKKAN, MATTUPARA, NEMMARA
PALAKKAD-678541.
 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

R2 BY PUBLIC PROSECUTOR, SHRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
04-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.1543 of 2015

Dated this the 4th day of December 2015

O R D E R

The accused in S.T.No.5108 of 2012 on the files of the Court of the Judicial Magistrate of First Class, Alathur 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 (for short 'the N.I. Act).

2. When this matter has been taken up for hearing, the learned counsel for the revision petitioner has submitted that he is not arguing the revision petition on merits and he needs only leniency in the matter of sentence. Suffice it to say that having gone through the judgment of the courts

below, I do not find any infirmity in the concurrent finding of conviction passed by the courts below under Section 138 of the N.I. Act, warranting interference by this Court. 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.

3. The sentence awarded by the courts below also does not call for any interference by this court.

In the result, this revision petition stands dismissed.

The revision petitioner is granted eight months to pay the compensation, as requested by the learned counsel for the revision petitioner. I make it clear that the payment which may be directly made to the complainant will be

treated as sufficient compliance of payment of compensation ordered by the courts below, provided the complainant files an affidavit in this regard before the trial court.

Sd/-

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/30.11.2015

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PA to Judge