

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1552 of 2015 ()

CRL.A 26/2013 of ADDITIONAL DIST. & SESSIONS COURT, MOOVATTUPUZHA
CC 341/2007 of JUDL. MAGISTRATE OF FIRST CLASS, KOTHAMANGALAM

REVISION PETITIONER(S)/APPELLANT/ACCUSED:

KALYANI
W/O.MADHAVAN, THAKIDIYIL KIZHAKKETHIL, PAYIPAD PO
HARIPAD.

BY ADV. SRI.B.RENJITHKUMAR

RESPONDENT/STATE & COMPLAINANT:

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1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
 2. RELIANT HIRE PURCHASE CO. LTD
A.M.ROAD, KOTHAMANGALAM
REPRESENTED BY POWER OF ATTORNEY HOLDER K.M.MURALI
VAZHEKUDIYIL CHERUVATHOOR, KOTHAMANGALAM 682503.

R2 BY ADV. SRI.M.D.SASIKUMARAN
R2 BY ADV. SRI.K.S.HARIHARAPUTHRAN
R2 BY ADV. SRI.GEORGE MATHEW
R2 BY ADV. SRI.SUNIL KUMAR A.G
R2 BY ADV. SRI.DIPU JAMES
R1 BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.1552 of 2015

Dated this the 2nd day of December 2015

O R D E R

The accused in C.C.No.341 of 2007 on the files of the Court of the Judicial Magistrate of First Class - I, Kothamangalam 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. Heard.

3. The prosecution allegation is that towards the discharge of the liability, the revision petitioner executed Ext.P5 cheque in favour of 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 P13 were marked for the complainant. DW1 was examined and Exts.D1 to D4 series were marked for 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 had executed Ext.P5 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 is available

before the court below to indicate that the appreciation of evidence by the courts below was 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 call for any interference by this court.

In the result, this revision petition stands dismissed.

The revision petitioner is granted six months to pay the fine, as requested by the learned counsel for the revision petitioner.

SD/
B.SUDHEENDRA KUMAR,
JUDGE

dl/5.12.2015

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PA to Judge