

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. 1612 of 2015 ()

Crl.A 216/2011 of SPECIAL COURT FOR SC/ST (POA) CASES, MANJERI
ST 705/2009 of J.M.F.C.-II,PERINTHALMANNA

REVISION PETITIONER(S)/ACCUSED:

P.P.LAILA
W/O.PUTHENVEETIL BASHER, THALAKKAD AMSOM, DESOM
B.P.ANGADI P.O., TIRUR, MALAPPURAM DISTRICT.

BY ADVS.SRI.P.K.MOHAMED JAMEEL
SRI.RAFFEEKH.K
SRI.ABDUL KADER KANNETH

RESPONDENT(S):

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1. CHEERAN KULANGARA ABDUL LATHEEF
S/O.MAMMASSAN, PERUMANNA AMSOM DESOM, KUTTIPPALA
TIRUR TALUK, MALAPPURAM DISTRICT-694101
 2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.

R2 BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

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.1612 of 2015

Dated this the 4th day of December 2015

O R D E R

The accused in S.T.No.705 of 2009 on the files of the Court of the Judicial Magistrate of First Class - II, Perinthalmanna 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 pressing for hearing the revision petition on merits and that the revision petitioner needs

only leniency in the matter of sentence. Suffice it to say that having gone through the judgment of the courts below, I am satisfied that the concurrent finding by the courts below that the revision petitioner committed the offence under Section 138 of the N.I. Act, does not call for any interference by this Court.

3. The amount covered by Ext.P3 cheque is Rs.2,00,000/-. Considering the facts and circumstances of the case, including the amount covered by Ext.P3 cheque, I am of the view that the sentence awarded by the courts below under Section 138 of the N.I.Act can be modified and reduced to imprisonment till the rising of the court and a fine of Rs.2,00,000/- (Rupees two lakhs only) to secure the ends of justice. Accordingly, I order so. In default of

payment of fine, the revision petitioner shall undergo simple imprisonment for two months. In the event of realisation of the fine amount, the entire amount shall be given to the complainant as compensation under Section 357(1) (b) Cr.P.C.

In the result, this revision petition stands allowed in part as above.

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

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

dl/30.11.2015

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PA to Judge