

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. 1616 of 2015 ()

Crl.A 341/2014 of SESSIONS COURT, PALAKKAD
CC 1279/2009 of J.M.F.C.-III, PALAKKAD

REVISION PETITIONER(S)/REVISION PETITIONER/APPELLANT/ACCUSED:

K.JAYESH
S/O K.P.KESAVAN, GIRISH MANDIR, KADUKKAMKUNNAM
MALAMPUZHA, PALAKKAD.

BY ADV. SRI.M.L.SURESH KUMAR

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

1. THE PALAKKAD PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL `DEVELOPMENT BANK LIMITED
NO.F1029, RACKET COURT ROAD, PALAKKAD
PIN:678014. REPRESENTED BY SECRETARY
P.P.KOMAKAKUMARY.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682031.

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.1616 of 2015

Dated this the 4th day of December 2015

ORDER

The accused in C.C.No.1279 of 2009 on the files of the Court of the Judicial Magistrate of First Class - III, Palakkad 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 issued Ext.P1 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. After complying with the legal formalities, the complainant filed the complaint before the trial court.

4. Before the trial court, PW1 was examined and Exts.P1 to P12 were marked for the complainant. DW1 was examined and Ext.D1 was marked for the revision petitioner.

5. The courts below, relying on the documentary as well as oral evidence adduced by the parties, concurrently found that the revision petitioner had 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 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 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 six months to pay the fine, as requested by the learned counsel for the revision petitioner.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

dl/7.12..2015

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PA to Judge