

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1698 of 2015 ()

Crl.A 297/2012 of ADDL. S.C.- V, KOTTAYAM
ST 85/2011 of J.M.F.C. IV, KOTTAYAM

REVISION PETITIONER(S)/APPELLANT/ACCSED:

MANOJ K.R. AGED 43 YEARS
S/O.RAGHAVAN, KUNNEL HOUE, PEROOR P.O.
KOTTAYAM DISTRICT.

BY ADV. SRI. SIVARAM R. MENON

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

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1. GEETHA CHENTHAMARA
W/O.CHENTHAMARA, KANDATHIL HOUSE, ERAVUCHIRA P.O.
CHANGANASHERRY- 686 101.
 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

R1 BY ADV. SRI.K.SHAJ
R1 BY ADV. SRI.SAJJU.S
R1 BY ADV. SRI.S.VISHNU (ARIKKATTIL)
R1 BY ADV. SRI.RENJIT GEORGE
R2 BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON
16-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Crl.R.P. No.1698 of 2015

Dated this the 16th day of December 2015

ORDER

The accused in S.T.No.85 of 2011 on the files of the Court of the Judicial Magistrate of First Class - IV, Kottayam 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 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, as the payment was stopped by the drawer. There was no sufficient funds in the account of the revision petitioner to honour the cheque. Statutory notice was issued to the revision petitioner, which was received by the revision petitioner.

4. Before the trial court, PW1 and PW2 were examined and Exts.P1 to P14 series were marked for the complainant. DW1 and DW2 were marked and Exts.D1 to D6 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.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. Since there is concurrent finding on facts, this Court will not be justified in interfering with the same unless the finding by the courts below is perverse or incorrect. No circumstance has been brought to my notice to indicate that the appreciation of evidence or the concurrent finding 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 ten months to pay the fine, as requested by the learned counsel for the revision petitioner.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

dl/.16.12..2015

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PA to Judge