

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Cr1.Rev.Pet.No. 1699 of 2015 ()

Cr1.A 213/2007 OF THE ADDITIONAL SESSIONS COURT-I,
THIRUVANANTHAPURAM

ST 313/2005 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-X,
THIRUVANANTHAPURAM

REVISION PETITIONER/APPELLANT/ACCUSED:

GIREESH, AGED 50 YEARS
S/O. KAMALASANAN, VIKAS HOTEL, N.H.ROAD
KAZHAKUTTOM, THIRUVANANTHAPURAM DT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/RESPONDENT/COMPLAINANT & STATE:

1. SATHEESH CHANDRAN
VISYSHNU RAM, OPP. PANCHAYAT ROAD, VETTU ROAD
SAINIK SCHOOL P.O., KAZHAKUTTAM
THIRUVANANTHAPURAM DISTRICT - 695004.
2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No.1699 of 2015

Dated this the 15th day of December, 2015.

ORDER

The accused in S.T.No.313 of 2005 on the files of the Court of the Judicial Magistrate of First Class-X, Thiruvananthapuram, has filed this revision petition challenging the concurrent finding of conviction and sentence passed by the courts below under Section 138 of 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 said cheque was dishonoured due to insufficiency of the funds in the account of the revision petitioner when presented for encashment. Statutory notice was received by the revision petitioner.

4. Before the trial court, PW1 was examined and

Exts.P1 to P5 were marked for the complainant. DW1 to DW5 were examined and Exts.D1 to D4 were marked for the revision petitioner. X1 to X4 were also marked.

5. The courts below correctly evaluated the oral and documentary evidence available before the court and concurrently found that the revision petitioner 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 is available before the court to indicate that the concurrent finding by the courts below or the appreciation of evidence is 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 N.I Act does not warrant any interference by this court. The sentence awarded by the appellate court also does not warrant any interference by this Court.

In the result, this revision petition stands dismissed.

However, the revision petitioner is granted six months to pay the compensation.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl/15.12.2015

True Copy

PA to Judge