

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Crl.Rev.Pet.No. 1728 of 2015 ()

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Crl.A 165/2012 OF THE ADDITIONAL SESSIONS COURT, PATHANAMTHITTA  
ST 1719/2008 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, THIRUVALLA

REVISION PETITIONER/APELLANT/ACCUSED:

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USHA KUMARY  
POIKARA VEEDU, K.S.PURAM P.O., PUTHIYAKAVU  
KARUNAGAPPALLY.

BY ADVS.SRI.K.SIJU  
SMT.S.SEETHA

RESPONDENT/RESPONDENTS/COMPLAINANT & STATE:

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1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM- 682031.
  2. K.K.SIVANKUTTY  
KARINTHADIKKAL VEEDU, ERAVIPEROOR VILLAGE  
THIRUVALLA, NOW RESIDING AT KOTTAKUZHIYIL HOUSE  
PADA NORTH MURI, KARUNAGAPPALLY - 691 361.

R1 BY PUBLIC PROSECUTOR SRI.R.GITESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD  
ON 21-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

**B. SUDHEENDRA KUMAR, J.**

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Crl.R.P. No. 1728 of 2015  
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Dated this the 21<sup>st</sup> day of December, 2015

**ORDER**

The accused in S.T.No.1719 of 2008 on the files of the Court of the Judicial Magistrate of First Class, Thiruvalla, 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 when presented for encashment due to the 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 P6 were marked for the complainant. DW1 to DW3

were examined and Exts.D1 to D3 were marked for the revision petitioner.

5. When this matter has been taken up for hearing, the learned counsel for the revision petitioner has submitted that the revision petitioner is not contesting the matter on merits and that she needs only some time to pay the compensation.

6. Suffice it to say that, having gone through the judgment of the courts below, I do not find any infirmity in the concurrent finding of conviction and sentence passed by the courts below under Section 138 of the N.I.Act. 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 as requested by the learned counsel for the revision petitioner.

**Sd/-**

**B. SUDHEENDRA KUMAR  
JUDGE**