

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. 3232 of 2010 ()

AGAINST THE JUDGMENT IN CRA 163/2009 of ADDL.DISTRICT COURT-I,MAVELIKKARA
DATED 27-07-2010

AGAINST THE JUDGMENT IN CC 204/2006 of JUDICIAL FIRST CLASS MAGISTRATE
COURT-I, MAVELIKKARA DATED 27-02-2009

REVISION PETITIONER/APPELLANT/ACCUSED :

RAGHESH, AGED 34 YEARS,
S/O.RAVIVARAMA, AMBADIYIL VEEDU, PERINGALA PO
CHENGANNUR.

BY ADV. SRI.T.RAVIKUMAR

RESPONDENTS/RESPONDENTS/COMPLAINANT :

1. MINI SIVARAJAN, W/O.SIVARAJAN
MALAYIL VEEDU, ERAVANKARAMURI, THAZHAKKARA VILLAGE.
2. STATE OF KERALA, BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV.SRI.M.R.SARIN

R2 BY PUBLIC PROSECUTOR SRI.GITHESH R

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
04-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.Rev.Pet.No. 3232 of 2010 ()

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE I : COPY OF THE WITNESS LIST SUBMITTED BY THE PETITIONER'S
ADVOCATE DT.5.12.08

RESPONDENTS' ANNEXURES : NIL

/TRUE COPY/

P.A TO JUDGE

AV

B. SUDHEENDRA KUMAR, J.

Crl.R.P.No.3232 of 2010

Dated this the 4th day of December, 2015.

ORDER

The accused in C.C.No.204 of 2006 on the files of the Court of the Judicial Magistrate of First Class, Mavelikkara 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 ('N.I. Act' for short).

2. 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 funds in the account of the revision petitioner, when presented for encashment. Statutory notice was received by the revision petitioner.

3. Before the trial court, PW1 was examined and Exts.P1 to P7 were marked for the complainant. DW1 was examined for the revision petitioner.

4. The courts below after correctly evaluating the oral and documentary evidence adduced by the parties, concurrently found that the revision petitioner executed Ext.P1 cheque as contemplated 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 evidences or concurrent finding by the courts below is perverse or incorrect. In such circumstance, 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. 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 four months time to pay the fine.

Sd/-
B. SUDHEENDRA KUMAR,
JUDGE

AV