

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1334 OF 2007

ORDER:

This Criminal Revision Case, under Sections 397 and 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused challenging the judgment, dated 7.4.2005, in Criminal Appeal No.191 of 2002 on the file of the VII Additional Sessions Judge, Guntur whereunder and whereby, the learned Sessions Judge dismissed the appeal filed by the petitioner against the judgment, dated 8.4.2002, in C.C.No.53 of 2000 on the file of the Judicial First Class Magistrate, Ponnur.

2. Respondent No.2 herein is the complainant and the petitioner herein is the accused. Respondent No.2 filed a private complaint against the petitioner before the Judicial First Class Magistrate, Ponnur for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and the same was numbered as C.C.No.53 of 2000. The learned Magistrate found the accused guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and accordingly, convicted and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for a period of two months. Further, out of the fine amount, he was directed to pay an amount of Rs.3,000/- to the complainant under Section 357 Cr.P.C. towards compensation. Aggrieved thereby, the petitioner preferred the aforementioned appeal and the same was dismissed by the learned Sessions Judge confirming the judgment of the trial Court on the ground that the trial Court has not committed any error. Challenging the said judgment, the petitioner filed this Criminal Revision Case.

3. Heard and perused the material available on record.

4. After arguing for some time, learned counsel for the petitioner/accused confined his arguments only to the extent of reducing the sentence of imprisonment on the ground that the petitioner is suffering from Blood Pressure, Diabetes and poor eye sight and he has to perform the marriages of his children.

5. Basing on the concurrent findings of the Courts below, the petitioner was rightly convicted and hence, this Court is not inclined to interfere with the conviction imposed by the Courts below. However, taking into consideration of the fact that the petitioner is aged about 80 years and he suffered in the prison for a substantial period during the pendency of the revision before this Court, this Court is inclined to modify the sentence.

6. In the result, the conviction imposed against the petitioner in the judgment, dated 7.4.2005, in Criminal Appeal No.191 of 2002 on the file of the VII Additional Sessions Judge, Guntur for the offence punishable under Section 138 of the Negotiable Instruments Act is confirmed. However, the sentence of imprisonment imposed by the Court below for the said offence is modified to the period which the petitioner has already undergone, while maintaining the sentence of fine.

7. Accordingly, this Criminal Revision Case is partly allowed.

8. Miscellaneous petitions pending, if any, in this Criminal Revision Case shall stand closed.

JUSTICE RAJA ELANGO

21.7.2016

AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

-
-
-

[illegible]

—

AMD