

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Revision Case No.1060 of 2012

ORDER:

Notice sent to the petitioner but no representation on his behalf.

2) It is seen that this Criminal Revision Case is filed by the petitioner/accused aggrieved by the judgment dated 04.07.2012 in Criminal Appeal No.64/2009 passed by the learned Special Judge for Trial of Cases under SC/ST (POA) Act-cum-VI Additional District Judge, Kurnool, dismissing the complaint by confirming the judgment in C.C.No.365/2007 passed by Special Judicial Magistrate of First Class (Prohibition and Excise), Kurnool, convicting the accused for the offence under Section 138 of Negotiable Instruments Act (for short "N.I.Act") and sentencing him to undergo Simple Imprisonment for Six(6) months and to pay a fine of Rs.2000/- in default to suffer S.I for one month.

3) The facts are that the accused on 21.08.2006 borrowed Rs.90,000/- from the complainant for his legal necessities and in due discharge of the said amount he issued cheque bearing No.044691 dated 21.08.2006 for Rs.90,000/- drawn on District Cooperative Central Bank Limited (DCCB), Kurnool. On 06.12.2006, the complainant presented cheque with his banker i.e, Karur Vysya Bank, Kurnool but the same was dishonoured due to insufficient funds in the account of the accused. After following the due procedure under Section 138 of N.I Act, the

complainant filed the complaint. The main defence of the accused was that he lost his money purse on 27.06.2006 in Krishnagiri Mandal, which contained Rs.2,000/- and some important documents including the signed blank cheques and the complainant might have some how obtained those cheques and pressed into service. On that ground he sought for dismissal of the complaint. The said contention was not found favour with the Trial Court and lower Appellate Court and ultimately, he was convicted.

4) On perusal of the record, I do not find any tenable contest in the matter. Hence the CrI.R.C is liable to be dismissed.

5) Accordingly, this Criminal Revision Case is dismissed by confirming the judgment in CrI.A.No.64/2009 passed by the learned Special Judge for Trial of Cases under SC/ST (POA) Act-cum-VI Additional District Judge, Kurnool.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 14.11.2018

scs