

HONOURABLE JUSTICE G.SRI DEVI

CRL.R.C.No.1294 of 2005

JUDGMENT:

This criminal revision case is directed against the judgment of the learned Special Judge for the Trial of Offences Under S.Cs & S.Ts (POA) Act-cum-VI Additional Metropolitan Sessions Judge, Secunderabad, in Crl.A.No.243 of 2004 dated 22.07.2005, confirming the conviction and sentence of simple imprisonment for a period of three months and a fine of Rs.5,000/- for the offence punishable under Section 138 of the Negotiable Instruments Act, imposed against the revision petitioner/accused by the learned X Metropolitan Magistrate, Secunderabad, in C.C.No.28 of 2002 dated 26.07.2004.

Brief facts of the case are that the revision petitioner/accused issued two cheques, one for Rs.2,70,000/- on 17.10.2001 and another for Rs.2,00,000/- on 18.10.2001 in lieu of the debt payable by him to the 1st respondent/complainant and when the said cheques were presented for realization, the same were bounced with an endorsement 'insufficiency of funds in the account of the revision petitioner/accused'. Thereafter, after following the procedure provided for under Sections 138 and 142 of the Negotiable Instruments Act, the 1st

respondent/complainant filed the complaint and the same was taken on file by the trial Court.

During the course of trial, on behalf of the 1st respondent/complainant, P.W.1 was examined and Exs.P1 to P16 were marked to prove the guilt of the accused. On a perusal of the entire evidence, both oral and documentary, the trial Court found the revision petitioner/accused guilty of the offence punishable under Section 138 of the N.I. Act and accordingly convicted and sentenced him as stated supra.

In an appeal preferred by the revision petitioner/accused against the said conviction and sentence, the learned VI Additional Metropolitan Sessions Judge, Secunderabad, dismissed the said appeal confirming the judgment of the trial Court. Aggrieved by the same, the revision petitioner/accused preferred this criminal revision.

Heard both sides.

On perusal of the entire evidence on record, this Court is of the view that the trial Court as well as the appellate Court has given sufficient and cogent reasons in convicting the revision petitioner/accused. Therefore, no interference is warranted as far as conviction is concerned, but with regard to the quantum of sentence, it may be mentioned that the offence took place in the year 2001 and almost 18 years have passed

and during this period the revision petitioner/accused must have suffered great hardship in attending the proceedings of the Court for what he did and that he had also undergone imprisonment for a period of fifteen days subsequent to the dismissal of the Criminal Appeal.

In the aforesaid circumstances and in order to meet the ends of justice, it would suffice to reduce the sentence of simple imprisonment of three months to that of the period already undergone by the revision petitioner/accused, while maintaining the sentence of fine amount imposed against the revision petitioner/accused for the offence punishable under Section 138 of the N.I. Act.

With the above modification in the sentence of imprisonment, the Criminal Revision Case is dismissed. Miscellaneous petitions, if any, pending shall stand dismissed.

JUSTICE G.SRI DEVI

09-09-2019
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