IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 21ST DAY OF DECEMBER 2020 / 30TH AGRAHAYANA, 1942

Crl.Rev.Pet.No.796 OF 2020

Crl.A 69/2020 DATED 12-11-2020 OF SESSIONS COURT, ALAPPUZHA

ST 79/2019 DATED 25-02-2020 OF JUDICIAL MAGISTRATE OF FIRST CLASS -III, ALAPPUZHA

REVISION PETITIONER/S:

SHEEBA R.
AGED 47 YEARS
W/O.SUDHEENDRAN K.C., KIZHAKKETHAYYIL,
PUNNAPRA P.O., ALLEPPEY

BY ADVS.
SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENT/S:

1 **STATE OF KERALA,**
REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031

2 **SREE GOKULAM CHITS AND FINANCE CO(P) LTD.**
DOOR NO.1403, ANIL BHAVAN, YMCE JETTY ROAD, MULLACKAL, ALAPPUZHA, REP.BY JOBY CHACKO ASSISTANT LEGAL MANANGER, LEGAL AND POWER OF ATTORNEY HOLDER OF SREE GOKULAM CHITS AND FINANCE LTD., ALLEPPEY BRANCH, 690 001

OTHER PRESENT:

PP SREEJA V.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 21st day of December, 2020

The revision petition is filed challenging the conviction and sentence in S.T.No.79 of 2019 of the Judicial First Class Magistrate Court-III, Alappuzha, as affirmed in Criminal Appeal No.69 of 2020 of the Sessions Court, Alappuzha. The second respondent had filed the complaint alleging that, towards discharge of a debt, the revision petitioner had issued a cheque for Rs.1,33,200/- in favour of the second respondent, which, on presentation, had bounced due to insufficiency of funds. Even though statutory notice was issued, calling upon the revision petitioner to pay the cheque amount, the demand was not met. Thereby, the revision petitioner had committed the offence under Section 138 of the N.I.Act.

2. The trial court, after careful scrutiny of the oral and documentary evidence tendered by the second respondent, found the cheque to have been issued towards a legally enforceable debt and returned for insufficiency of funds. Consequently, the revision petitioner was found guilty, convicted and sentenced to undergo simple imprisonment till rising of the court and to pay fine of Rs.1,33,200/- with default sentence of simple imprisonment for three months. On realisation, the fine was directed to be paid to the second respondent as compensation under Section 357(1) of Cr.P.C.

3. The appeal filed by the revision petitioner was rejected finding no ground to interfere with the well reasoned judgment of the trial court.

4. Even though the learned Counsel for the

revision petitioner argued the matter at length, this Court was not willing to entertain the revision petition. Thereupon, the learned Counsel submitted that, at least, the time limit for remittance of the fine amount may be extended.

5. I am inclined to grant that relief. The cheque being of the year 2018, the time limit for payment of the cheque amount can be extended by a further period of six months. In view of the limited relief granted, notice to the second respondent is dispensed with.

In the result, the Criminal Revision Petition is dismissed. The revision petitioner is granted six months time for remitting the fine amount of Rs.1,33,200/- (Rupees one lakh thirty three thousand two hundred only). On remittance, the amount shall be paid to the second respondent as

compensation. If the fine is not paid within six months from today, the trial court shall proceed to execute the sentence.

Sd/-
V.G.ARUN
JUDGE

Scl/21.12.2020