

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No.1361 OF 2008

JUDGMENT:

This revision is filed by the petitioner challenging the Judgment of the V Additional Sessions Judge (FTC), Khammam at Kothagudem, in CrI.A.No.144 of 2007, dt.27.08.2008, confirming the conviction imposed by the I Additional Judicial Magistrate of I Class, Kothagudem in C.C.No.1137 of 2004 dt.06.08.2007.

2. Briefly, the case of the prosecution is that the 1st respondent/complainant filed complaint stating that a loan amount of Rs.1 lakh was taken by the accused to meet family necessities and subsequently, on demand, he issued a cheque for Rs.1,40,000/-. The said cheque was dated 21.04.2004 and when presented for clearance on 22.07.2004, it was returned unpaid. On 31.07.2004, notice was issued. Since the petitioner herein failed to make good of the amount covered by the cheque, complaint was filed.

3. Both the Courts below have considered the evidence of the witnesses. The main ground urged by the petitioner before the Court below is that the complainant did not have financial

capacity to lend an amount of Rs.1 lakh and the very claim is highly improbable.

4. The signature on the cheque is not disputed. Further, keeping in view that the transactions are of the year 2004 and the petitioner/accused is aged more than 60 years, this Court deems it appropriate to reduce the sentence of imprisonment subject to the petitioner depositing an amount of Rs.2 lakhs before the I Additional Judicial Magistrate of I Class, Kothagudem/trial Court, within a period of six weeks from the date of receipt of a copy of this order. The said amount can be withdrawn by the 1st respondent/complainant herein. In the event of failure of the petitioner to deposit the said amount of Rs.2 lakhs as directed, he shall undergo imprisonment for a period of three months.

5. Accordingly, the Criminal Revision Case is partly allowed.

Miscellaneous applications pending, if any, shall stand closed.

Dt.: 26.12.2022
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL REVISION CASE No. 1361 OF 2008

Dt. 26.12.2022

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