

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

CrI.R.C.No.182 OF 2009

JUDGMENT :

None appears for the petitioner and there is no representation. Heard learned Assistant Public Prosecutor for respondent No.1. Perused the record.

2. This criminal revision case arises against the judgment dated 30.01.2009 in CrI.A.No.252 of 2008 passed by the learned IV-Additional Metropolitan Sessions Judge, Hyderabad confirming the conviction and sentence imposed in CC.No.479 of 2001 vide judgment dated 25.07.2008 by the learned VII Additional Chief Metropolitan Magistrate, Hyderabad.

3. Petitioner is accused and respondent No.2 is complainant in C.C.No.479 of 2001.

4. Respondent No.2 filed a complaint against the petitioner/accused for the offence punishable under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to

as 'N.I. Act'). Respondent No.2/complainant stated that accused took a hand loan of Rs.35,000/- on 12.01.2001 and issued cheque bearing No.576256 dated 12.01.2001 for Rs.35,000/- and when he presented the same for collection of funds, but the same was dishonoured with an endorsement "ACCOUNT CLOSED". He issued legal notice on 16.07.2001 and the same was returned on 27.07.2001.

5. Respondent No.2/complainant was examined as PW1 and got marked Exs.P1 to P5. Petitioner/accused was examined under Section 313 Cr.P.C., and after considering the entire evidence on record, the trial Court convicted the petitioner/accused for the offence punishable under Section 138 of N.I. Act and sentenced him to undergo three (03) months rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to suffer one (01) month simple imprisonment. Aggrieved by the same, the petitioner/accused preferred an appeal and the appellate Court confirmed the judgment of the trial Court

holding that the legal notice Ex.P-3 sent to the correct address of the accused was returned to the sender under Ex.P-5 endorsement and it was observed that mandatory notice was issued, but the petitioner/accused got it returned by managing the postal authorities. The petitioner/accused raised the same point before this Court. As it was already answered by the appellate Court this Court finds no infirmity in the judgment of the appellate Court and the present revision is preferred against the concurrent findings of both the Courts.

6. In view of the above, this Court finds no reason to interfere with the said findings of the courts below, as there is no error apparent on the face of the record and the revision is devoid of merits.

7. In the result, the criminal revision case is dismissed. No costs.

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

JUSTICE P.SREE SUDHA

Date: 03.02.2022

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