

Sudha Vs. G.Gopalakrishna Pillai

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Court : Kerala

Decided On : Feb-04-2013

Judge : Honourable Mr.Justice K.Harilal

Appellant : Sudha

Respondent : G.Gopalakrishna Pillai

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.HARILAL MONDAY, THE 4TH DAY OF FEBRUARY 2013 15TH MAGHA 193 Crl.Rev.Pet.No. 70 of 2013 ----- AGAINST THE JUDGMENT IN CRA.481/2011 of ADDL.SESIONS COURT- I,MAVELIKKARA DATED 24 09-2012 AGAINST THE JUDGMENT IN CC.227/2008 of J.M.F.C., KAYAMKULAM DATED 17 09- 2011 REVISION PETITIONER//ACCUSED: SUDHA, AGED 4 YEARS, W/O. SIVARAMAN SUDHA BHAVAN KAPPIL EAST, KRISHNAPURAM, ALAPPUZHA DISTRICT. BY ADV. SMT.S.L.SYLAJA COMPLAINANTS/COMPLAINANT AND STATE:

1. G.GOPALAKRISHNA PILLAI, AGED 5 YEARS S/O. RAGHAVAN PILLAI PALLATHU HOUSE, ELIPPAKULAM P.O., PALLICKAL ALAPPUZHA DISTRICT.
2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. R2 BY PUBLIC PROSECUTOR SMT.

SEENA RAMAKRISHNAN THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04-02-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: K. HARILAL J.

===== CRL.R.P.NO. 70 OF 201.=====

Dated this the 4th day of February 2013 ORDER The Revision Petitioner herein is the accused in C.C.No.227/2008 on the files of the Judicial First Class Magistrate Court, Kayamkulam as well as appellant in Crl.Appeal No. 481/2011 of the Additional Sessions Court-I, Mavelikkara. The first respondent herein filed a complaint against the Revision Petitioner alleging offence punishable under Section 138 of the Negotiable Instruments Act. The allegation against the Revision Petitioner is that the Revision Petitioner borrowed Rs.1,50,000/- from the first respondent on 19/12/2007 and issued a cheque dated 2/1/2008 to the first respondent. When the cheque was presented for encashment, it was dishonoured on the ground that the "funds insufficient". The first respondent sent statutory notice to the Revision Petitioner, but he has neither responded to the statutory notice nor paid the cheque amount demanded by the notice. Hence, he was chargesheeted, tried, convicted and sentenced for the offence punishable under CRRP 70

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