

Nazar K K Vs. K K Razak

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Court : Kerala

Decided On : Feb-18-2014

Judge : Honourable Mr.Justice M.L.Joseph Francis

Appellant : Nazar K K

Respondent : K K Razak

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS TUESDAY, THE 18TH DAY OF FEBRUARY 2014 29TH MAGHA, 1935 CrI.Rev.Pet.No. 342 of 2014 ()
----- CRL.A3182010 of ADDL.SESIONS COURT, THALASSERY STC12562008 of J.M.F.C.-II, KANNUR REVISION PETITIONER/APPELLANT/ACCUSED:-:

----- NAZAR K.K., AGED 38 YEARS S/O.POCKER, RESIDING AT KANIYANKANDY HOUSE IRIKKUR AMSOM DESOM, P.O.IRIKKUR, KANNUR DISTRICT. BY ADV. SRI.C.K.SREEJITH RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:-:

----- 1. K K RAZAK, AGED 52 YEARS S/O.MUHAMMED, RESIDING AT KANIKKUL, KUNNUMPURATH HOUSE PERUVALATHUPARAMBA, IRIKKUR, KANNUR - 670 593.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM - 682 031. R BY PUBLIC PROSECUTOR, SMT SEENA RAMAKRISHNAN THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 18-02-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: M.L. JOSEPH FRANCIS J., -----

----- Crl.R.P. No.342 of 2014 -----

Dated this the 18th day of February 2014

ORDER

This Criminal revision Petition is filed by the accused in S.T.C. No.1256 of 2008 on the file of the Judicial First Class Magistrate Court -II, Kannur challenging the conviction and sentence imposed on him under Section 138 of the Negotiable Instruments Act (in short 'the NI Act'). The cheque amount was `25,000/-. The trial court convicted the accused under Section 138 of the NI Act and he was sentenced to undergo simple imprisonment for three months and to pay a compensation of `25,000/- and in default of payment, the accused was sentenced to undergo simple imprisonment for two months. Against that Crl.R.P. No.342 of 2014 :2: conviction and sentence the accused filed Criminal Appeal No.318 of 2010 before the Sessions Court, Thalassery, which was allowed in part. The accused was sentenced to undergo simple imprisonment till rising of the court. The compensation passed by the trial court was remained unaltered and the default sentence imposed for two months was modified and reduced to one month. Against that judgment, the appellant/accused filed this Revision Petition.

2. Heard the learned counsel for the revision petitioner and the learned Public Prosecutor. The learned counsel for the revision petitioner raised the same contentions raised before the trial court and appellate court. Both the courts below rejected the contentions by giving cogent reasons. Therefore, I find no reason to interfere with the concurrent findings of both the courts below and confirm the conviction under Section 138 of the NI Act. Since the appellate court awarded only a Crl.R.P. No.342 of 2014 :3: reasonable sentence, I find no reason to interfere with the sentence also. Accordingly this Criminal Revision Petition is dismissed as it is without any merits. Six months time is granted to the accused in S.T.C. No.1256 of 2008 on the file of Judicial First Class Magistrate Court -II, Kannur to

pay the compensation and to surrender before the trial court to undergo imprisonment. Sd/- M. L. JOSEPH FRANCIS, (JUDGE) dl/ // TRUE COPY //

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