

P. Ashraf Vs. P. Krishna Kumar

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Court : Kerala

Decided On : Feb-18-2014

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

Appellant : P. Ashraf

Respondent : P. Krishna Kumar

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. 311 of 2014 ()
----- CRL.A2722007 of ADDL.SESIONS COURT, THALASSERY STC11362006 of J.M.F.C.-II, KANNUR REVISION PETITIONER/APPELLANT/ACCUSED:

----- P. ASHRAF, AGED 42 YEARS S/O. ABDUL RAHMAN NEAR C.R.C. POTHUJANA VAYANASALA AND GRANDHALAYAM KADAMBERI, P.O. KANOOL, KANNUR DISTRICT. BY ADVS.SRI.SUNIL NAIR PALAKKAT SRI.K.N.ABHILASH RESPONDENTS/RESPONDENTS: ----- 1. P. KRISHNA KUMAR, AGED 57 YEARS S/O. KERALA VARMA RAJA, RESIDING AT SUDHA NILAYAM POST CHIRAKKAL, KANNUR DISTRICT.

2. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682031. R1 BY ADV. SRI.P.U.SHAILAJAN R

BY PUBLIC PROSECUTOR, SRI GITHESH R THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 1802-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: M.L. JOSEPH FRANCIS J., - -
----- Crl.R.P. No.311 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.1136 of 2006 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 `2,50,000/-. 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 `2,50,000/- and in default of payment, the accused was sentenced to undergo simple imprisonment for two months. Against that conviction and sentence the accused filed Criminal Appeal No.272 of 2007 before the Sessions Court, Thalassery, which was allowed in part. The conviction was confirmed and the sentence was modified. The accused was sentenced to undergo simple imprisonment till rising of the court. The compensation passed by the court below and default sentence imposed were maintained. 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 court below. 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 courts below awarded only a reasonable Crl.R.P. No.311 of 2014 :3: 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.1136 of 2006 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) d/ // TRUE COPY //

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