

Deepu R.S. Vs. Union of India and ors

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Court : Kerala

Decided On : Feb-21-2014

Judge : Honourable Mr. Justice a.V.Ramakrishna Pillai

Appellant : Deepu R.S.

Respondent : Union of India and ors

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS FRIDAY, THE 21ST DAY OF FEBRUARY 2014 2ND PHALGUNA, 1935 CrI.Rev.Pet.No. 383 of 2014 () ----- CrI.A22012 of ADDL. SESSIONS COURT - IV, PALAKKAD CC1872010 of J.M.F.C., PATTAMBI REVISION PETITIONER/APPELLANT/ACCUSED:

----- DEVAKI, AGED 42 YEARS W/O.CHANTHU, POTTAKKAVIL VEEDU, KAIPURAM DESOM NADUVATTAM AMSOM, OTTAPALAM TALUK, PALAKKAD DISTRICT BY ADV. SRI.RAJESH SIVARAMANKUTTY RESPONDENT/RESPONDENTS/COMPLAINANT AND STATE: ----- 1. CHANDRAN,, AGED 59 YEARS S/O.AMMUKUTTY, PANIKATHU VEEDU, EDAPPALLAM DESOM RAYIRANELLUR AMSOM, OTTAPALAM TALUK, PALAKKAD DISTRICT- 678 001 2. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM R BY PUBLIC PROSECUTOR, SMT BINDU GOPINATH THIS CRIMINAL REVISION

PETITION HAVING COME UP FOR ADMISSION ON 2102-2014, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING: M.L. JOSEPH FRANCIS J., - -
----- Crl.R.P. No.383 of 2014 -----
----- Dated this the 21st day of February 2014

ORDER

This Criminal revision Petition is filed by the accused in C.C. No.187 of 2010 on the file of the Judicial First Class Magistrate Court, Pattambi 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 `1,50,000/-. The trial court convicted the accused under Section 138 of the NI Act and he was sentenced to undergo simple imprisonment till rising of the Court and to pay a fine of `1,55,000/- and in default of payment of fine, the accused was sentenced to undergo simple imprisonment for one month. If Crl.R.P.No.383 of 2014 :2: fine amount is paid the cheque amount of `1,50,000/- shall be given to the complainant as compensation under Section 357(1) of the Code of Criminal Procedure. Against that conviction and sentence the accused filed Criminal Appeal No.2 of 2012 before the Additional Sessions Court, Palakkad, which was dismissed. 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 sentence, I find no reason to interfere with the sentence also. Crl.R.P.No.383 of 2014 :3: Accordingly this Criminal Revision Petition is dismissed as it is without any merits. Thirteen months time is granted to the accused in C.C. No.187 of 2010 on the file of Judicial First Class Magistrate Court, Pattambi to deposit the fine amount and to surrender before the trial court to undergo imprisonment. The accused is at liberty to deposit the compensation amount before the trial court or give the compensation amount of `1,50,000/- directly to the complainant and produce a memo to that effect before the trial court. The amount

deposited by the accused before the trial court shall be given credit to. Sd/- M. L.
JOSEPH FRANCIS, (JUDGE) dl/ // TRUE COPY //

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