

Suhas R vs Nivas P.M

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Court : Kerala

Decided On : Mar-28-2025

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Crl.Rev.Pet/210/2025

Appellant : Suhas R

Respondent : Nivas P.M

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947
CRL.REV.PET NO. 210 OF 2025 AGAINST THE JUDGMENT DATED
27.09.2024 IN Crl.A NO.209 OF 2023 OF ADDITIONAL SESSIONS
COURT I, KOTTAYAM / ARISING OUT OF THE JUDGMENT DATED
27.09.2023 IN ST NO.48 OF 2020 OF JUDICIAL MAGISTRATE OF
FIRST CLASS -II, VAIKOM REVISION PETITIONER/ACCUSED:
SUHAS R AGED 54 YEARS S/O RAJAPPAN, SURJITH NIVAS,
KANJIRAMATTOM P.O, AMBALLOOR VILLAGE, KANAYANNUR
TALUK, ERNAKULAM DISTRICT, PIN - 686585 BY ADV V.VISAL
AJAYAN RESPONDENTS/RESPONDENT/COMPLAINANT AND

STATE:

1 NIVAS P.M AGED 55 YEARS S/O MOOZAKUNJU, PUZHAKKARAYIL HOUSE, THALAYOLAPPARAMBU P.O, VADAYAR VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT,, PIN - 686605 2 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 SRI.M.P. PRASANTH, PP THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This revision petition has been filed challenging the concurrent finding of conviction and sentence in a proceedings under Section 138 of the Negotiable Instruments Act (for short, the NI Act).

2. The 1st respondent filed a private complaint

under Section 142 of the NI Act against the petitioner before the Judicial First Class Magistrate Court-II, Vaikom (for short, the trial court) as S.T.No.48/2020. After trial, the trial court found the petitioner guilty under Section 138 of the NI Act and he was sentenced to undergo simple imprisonment for three months and to pay a fine of 2,00,000/-, in default to suffer simple

imprisonment for one month. The petitioner preferred appeal before the Additional Sessions Court-I, Kottayam (for short, the appellate court) as Crl.A.No.209/2023. The appellate court confirmed the conviction and reduced the substantive sentence till the rising of the court, retaining the fine amount.

3. I have heard the learned counsel for the petitioner.

4. The learned counsel for the petitioner submits that the petitioner does not dispute the conviction and sentence

passed by the trial court as well as the appellate court. The learned counsel further submits that the petitioner may be granted two months' time to deposit the fine

amount. Having heard the learned counsel for the petitioner and having gone through the entire facts and circumstances of the case, this revision petition is disposed of, confirming the conviction and sentence and granting two months' time to the petitioner to appear before the trial court to receive the imprisonment till the rising of the court and to deposit the fine amount. The non bailable warrant pending against the petitioner shall stand withdrawn. Sd/- DR. KAUSER EDAPPAGATH JUDGE kp

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