

Sheeba vs Sree Gokulam Chit and Finance Company(P) Limited,,Represented by Its Assistant Manager(Legal)K.K.S

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Court : Kerala

Decided On : Apr-23-2024

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.Rev.Pet/315/2024

Appellant : Sheeba

Respondent : Sree Gokulam Chit and Finance Company(P) Limited,,Represented by Its Assistant Manager(Legal)K.K.S

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 23RD DAY OF APRIL 2024 / 3RD VAISAKHA, 1946
CRL.REV.PET NO. 315 OF 2024 AGAINST THE ORDER/JUDGMENT
DATED 08.02.2024 IN CRA NO.115 OF 2023 OF DISTRICT COURT &
SESSIONS COURT, PALAKKAD ARISING OUT OF THE
ORDER/JUDGMENT DATED IN ST NO.44 OF 2019 OF JUDICIAL
MAGISTRATE OF FIRST CLASS V, PALAKKAD
APPLICANT/REVISION PETITIONER: SHEEBA AGED 39 YEARS,

W/O. SHIVADASAN, MUTHALAPARA HOUSE, NENMARA POST,
PALAKKAD DISTRICT, PIN - 679 515 BY ADVS. AMRIN FATHIMA
J.RAMKUMAR SURUMI NAZAR CHRISTY TONY
RESPONDENTS/RESPONDENTS:

1 SREE GOKULAM CHIT AND FINANCE COMPANY(P) LIMITED,
REPRESENTED BY ITS ASSISTANT MANAGER (LEGAL)
K.K.SUBASHKUMAR, DIVISIONAL OFFICE AT SANJOS TOWER,
OPPOSITE K.S.R.T.C. BUS STAND, SHORNUR ROAD, PALAKKAD,
PIN - 678 001 2 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031 BY ADV.
SMT. SHEEBA THOMAS PP THIS CRIMINAL REVISION PETITION
HAVING COME UP FOR ADMISSION ON 23.04.2024, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

Dated this the 23rd day of April, 2024

ORDER

This Crl.Rev.Pet. is filed aggrieved by the conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act, 1881.

2. The revision petitioner is convicted and sentenced by the Judicial Magistrate of First Class V, Palakkad in S.T. No.44/2019, under Section 138 of Negotiable Instruments Act and sentence to pay a fine

of Rs.79,766/-. In default of payment of fine, the petitioner is directed to undergo simple imprisonment for a period of one month. If the fine is recovered, the entire amount is directed to be paid to the complainant as compensation under Section 357(1) of the Code of Criminal Procedure.

3. Aggrieved by the conviction and sentence, the revision petitioner filed Criminal Appeal No.115/2023 before the District and Sessions Court, Palakkad. The

Appellate Court confirmed the conviction and sentence imposed by the trial court. Aggrieved by the same, this Crl.Rev.Pet. is filed.

4. Heard the learned counsel appearing for the revision petitioner and the learned Public Prosecutor.

5. After hearing the learned counsel for the

revision petitioner, I am of the considered opinion that, there is nothing to interfere with the conviction and sentence imposed by the trial court, which is confirmed by the Appellate Court. The jurisdiction of this Court to interfere with the same invoking the revisional

powers is limited. The trial court and Appellate Court considered the matter in detail and found that the petitioner is guilty under Section 138 of the Negotiable Instruments Act and imposed a sentence of fine. I see, no reason to interfere with the same. At this stage, the learned counsel for the revision petitioner submitted that, some time may be granted to pay the fine amount. I think, that prayer can be allowed.

Therefore, this Criminal Revision Petition is disposed of with the following directions;

1. The conviction and sentence imposed by

the Judicial First Class Magistrate Court - V, Palakkad in S.T. No.44/2019, which is confirmed by the District & Sessions Court, Palakkad in Criminal Appeal No.115/2023, is retained.

2. The time to deposit the fine as ordered by the trial court which is confirmed by the Appellate Court, is extended for a further period of six months. Sd/-
P.V.KUNHIKRISHNAN nvj JUDGE

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