

Sreenivasan P.C vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2023

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.Rev.Pet/65/2023

Appellant : Sreenivasan P.C

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN TUESDAY,
THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944
CRL.REV.PET NO. 65 OF 2023 AGAINST THE ORDER/JUDGMENT
CRA 272/2021 OF ADDITIONAL SESSIONS COURT (ADHOC)-II,
KOZHIKODE ST 621/2016 OF MUNSIF MAGISTRATE COURT,
PERAMBARA REVISION PETITIONER/APPELLANT/ACCUSED
SREENIVASAN P.C AGED 42 YEARS S/O.CHATHUKUTTY,
NADUKANDIYIL HOUSE, PALERI P.O, KUTTIADY , KOZHIKODE
DISTRICT, PIN - 673508 BY ADVS. A.CHANDRA BABU
C.MADHUSUDHANAN
RESPONDENTS/RESPONDENTS/COMPLAINANTS

1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 SREE
GURUVAYURAPPAN CHITS AND FINANCE PVT. LTD OFFICE
NO.156, T.H ROAD, CHENNAI-19, REPRESENTED BY SUPERVISOR,
MADHUSOODANAN.M, AGED 53 YEARS, S/O. APPU NAIR,
COLLECTION OFFICE, GURUVAYURAPPAN CHITS AND FINANCE
PVT. LTD, SAI LAKSHMI BUILDING, PAYYOLI ROAD, PERAMBRA,
KOZHIKODE, PIN - 673524 OTHER PRESENT: PP.M.C.ASHI THIS
CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 31.01.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

Dated this the 31st day of January, 2023 The revision petitioner is the accused in S.T. No.621 of 2016 on the files of the Judicial First Class Magistrate Court-I, Perambra. The case originated from a complaint filed by the 2nd respondent alleging commission of the offence under Section 138 of the Negotiable Instruments Act.

2. The trial court, on appreciation of evidence and

consideration of the legal aspects, found the petitioner guilty, convicted and sentenced him to undergo simple imprisonment for 6 months and to pay compensation of 1,10,000/- with a default sentence of simple imprisonment for 3 months.

3. In appeal, the conviction and sentence was confirmed, but was reduced to imprisonment till rising of the court. Aggrieved, this revision petition is filed.

4. Although, learned counsel for the revision petitioner

raised various factual and legal contentions, on going through the trial and appellate court judgments, it is seen that the evidence was properly appreciated and the legal aspects

correctly dealt with. Further, none of the grounds urged are compelling enough for this Court to exercise the revisional power. The learned counsel then put forth an alternative submission that, if this Court is not prepared to admit the writ petition, the petitioner should, atleast, be granted some time to remit the compensation amount. I find the said request to be reasonable.

5. In the result, the revision petition is dismissed and the

time granted for remitting the compensation amount is extended by six months from today. On the amount being remitted, the same shall be paid as compensation to the 2 nd respondent under Section 357(1)(b) of the Cr.P.C. The petitioner shall pay the compensation amount and appear before the trial court for undergoing simple imprisonment till rising of the court within the extended time limit. On such appearance, the compensation amount, if any, deposited, shall be returned to the petitioner. In case of default in payment of compensation within the extended time limit, the petitioner shall undergo simple imprisonment for 3 months..

Crl.R.P is dismissed accordingly. Sd/- V.G.ARUN, JUDGE smm

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