

Praveen vs Pranav

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Court : Kerala

Decided On : May-31-2023

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.Rev.Pet/353/2023

Appellant : Praveen

Respondent : Pranav

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
CRL.REV.PET NO. 353 OF 2023 AGAINST THE ORDER/JUDGMENT
ST 1724/2013 OF JUDICIAL MAGISTRATE OF FIRST CLASS
,CHITTUR CRA 351/2019 OF ADDITIONAL DISTRICT COURT &
SESSIONS COURT - V, PALAKKAD / IV ADDITIONAL MACT,
PALAKKAD REVISION PETITIONER/APPELLANT/ACCUSED
PRAVEEN AGED 41 YEARS S/O.UNNIKRISHNAN, KESAVIYAM,
KOLLAMKATHIKALAM, KOTT:AYI, PALAKKAD, PIN - 678572 BY ADV
V.A.JOHNSON (VARIKKAPPALLIL)
RESPONDENTS/RESPONDENTS/COMPLAINANT AND STATE 1

PRANAV AGED 32 YEARS S/O.SIVADASAN, THAMARAPADAM, KARIPPODE POST, PALASSENA, CHITTUR, PALAKKAD, PIN - 678503 2 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 BY PUBLIC PROSECUTOR SRI.M.C. ASHI THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 31st day of May, 2023 The revision petitioner is the accused in ST No.1724 of 2013 of the Judicial First Class Magistrate Court, Chittur. The case arose from a complaint filed by the 1 st respondent, alleging commission of offence under Section 138 of the Negotiable Instruments Act.

2. The respondent alleged that, towards the discharge of a liability of Rs.85,000/-, the revision petitioner issued two

cheques, which on presentation, were dishonoured for insufficiency of funds. Even though the 1 st respondent issued notice demanding payment of the cheque amount, the revision petitioner failed to make the payment.

3. The trial court, on appreciation of evidence and

consideration of the legal contentions, found the revision petitioner guilty and thereupon, convicted and sentenced him to pay a fine of Rs.85,000/- with default sentence of simple imprisonment for 3 months. The appeal filed by the revision petitioner was dismissed, finding no ground to interfere.

4. Although learned counsel for the revision petitioner

raised various contentions assailing the judgments of the trial and appellate courts, having gone through judgments, I find that the courts below had appreciated the evidence properly and applied the law, correctly. Hence, there is no reason to interfere by invoking the revisional jurisdiction.

5. Learned counsel then raised an alternative contention

that in the event of this Court dismissing the revision petition, sufficient time should be granted for paying the fine amount. I find the said request to be reasonable. Accordingly, the revision petition is dismissed and the

revision petitioner is granted six months' time for remitting/paying the fine amount. If the fine is not paid/remitted within six months, the revision petitioner shall undergo simple imprisonment for three months. In view of the extension granted, coercive steps, if any pending against the petitioner, shall be kept in abeyance for three months. Any amount deposited at the trial or appellate stage shall be given credit, while computing the quantum of fine to be paid.

Sd/- smm V.G.ARUN, JUDGE The 3rd sentence, In view of the extension granted, coercive steps, if any pending against the petitioner, shall be kept in abeyance

for three months, occurring the last paragraph of the final order

dated 31.05.2023 in CrI.R.P No.353/2023 is modified and substituted as In view of the extension granted, coercive steps, if any, pending against the petitioner, shall be kept in abeyance for six months as per order dated 21.06.2023 in CrI.M.A. No.3/2023 in CrI.R.P No.353 of 2023. Sd/- Deputy Registrar APPENDIX OF CRL.REV.PET 353/2023 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE MEDICAL CERTIFICATE DATED 07.01.2023 ISSUED FROM THE MALABAR HOSPITAL, PALAKKAD

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