

Rajesh vs Ajith Sankar.S

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Court : Kerala Orders

Decided On : Apr-12-2023

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Crl.Rev.Pet/330/2023

Appellant : Rajesh

Respondent : Ajith Sankar.S

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN
WEDNESDAY, THE 12TH DAY OF APRIL 2023 / 22ND CHAITHRA,
CRL.REV.PET NO. 330 OF 2023 CRA 227/2004 OF SESSIONS
COURT, PATHANAMTHITTA CC 183/2002 OF JUDICIAL
MAGISTRATE OF FIRST CLASS, ADOOR REVISION PETITIONER/S:
RAJESH AGED 52 YEARS S/O GOPINATHAN, REKHALAYAM,
MANNADI MUGHAM MURI, ENATHU VILLAGE, ADOOR TALUK,
PATHANAMTHITTA DISTRICT., PIN - 691530 BY ADV P.V.DILEEP
RESPONDENT/S:

1 AJITH SANKAR.S AGED 50 YEARS KARTHIKA , M.G.ROAD,
ADOOR VILLAGE, ADOOR.P.O, PATHANAMTHITTA DISTRICT., PIN -

691523 2 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM., PIN - 682031 BY ADV DINESH THANKAPPAN OTHER PRESENT: PP MAYA ANTHARJANAM THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

Dated this the 12th day of April, 2023 The revision petitioner is the accused in C.C.No.183 of 2002 of the Judicial First Class Magistrate Court, Adoor. The case originated from a complaint filed by the first respondent, alleging commission of the offence under Section 138 of the Negotiable Instruments Act. The allegation was that, in discharge of a liability of Rs.2,00,000/-, the revision petitioner issued a cheque, which, on presentation, was dishonoured for insufficiency of funds. Despite issuance of notice demanding payment of the cheque amount, the revision petitioner failed to make the payment. Hence, the complaint was filed.

2. The trial court, on appreciation of the

evidence and legal contentions, fo

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imprisonment for six months and

detailed consideration of the legal and factual contentions, allowed the appeal in part, confirming the finding of guilt and conviction, while modifying the sentence to imprisonment till rising of the court and to pay compensation as directed by the court below.

3. Heard, learned Counsel for the revision petitioner and learned Counsel for the first respondent/complainant.

4. In spite of the assertive submission of

the learned Counsel for the revision petitioner, I am not inclined to interfere with the concurrent judgments of the courts below, as I do not find any grave impropriety or illegality warranting such interference. In my opinion, interest of justice would be met by granting the revision petitioner a reasonable time for -4- remitting the fine. In the result, the criminal revision petition

is dismissed and the time stipulated for payment of the compensation amount of Rs.2,00,000/- is extended by a further period of six months from today. If the revision petitioner defaults payment/remittance of the fine amount, he shall undergo simple imprisonment for three months.

The revision petitioner shall pay/remit the compensation and appear before the trial court for undergoing the imprisonment till rising of the court within the extended period. The amount already deposited at the appellate and revisional stage along with the balance fine amount shall be released to the complainant/first respondent.

Sd/- V.G.ARUN JUDGE Scl/

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