

**(2021) 01 KL CK 0321**

**In the High Court Of Kerala**

**Case No : Criminal Revision Petition No. 942 Of 2007**

K. Salim

APPELLANT

Vs

S.S. Ramesh And Ors

RESPONDENT

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**Date of Decision : 13-01-2021**

**Acts Referred:**

Negotiable Instruments Act, 1881 — Section 138

**Citation : (2021) 01 KL CK 0321**

**Hon'ble Judges : B. Sudheendra Kumar, J**

**Bench : Single Bench**

**Advocate : Nagaraj Narayanan, Saijo Hassan, A.S. Sabu**

**Final Decision : Dismissed**

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## **Judgement**

1. The revision petitioner was convicted and sentenced by the courts below under Section 138 of the Negotiable Instruments Act (in short, 'the N.I.Act').

2. Heard.

3. The courts below correctly appreciated the oral and documentary evidence and concurrently found that the revision petitioner executed Ext.P1

cheque as contemplated under Section 138 of the N.I.Act and committed the offence under Section 138 of the N.I.Act. No material has been brought

to the notice of this Court to indicate that the appreciation of evidence or the concurrent finding of conviction by the courts below was perverse or

incorrect. In the said circumstances, the concurrent finding of conviction by the courts below under Section 138 of the N.I.Act does not warrant any

interference by this Court. The sentence awarded by the courts below also does not warrant any interference by this Court.

In the result, this Criminal Revision

Petition stands dismissed. However, the revision petitioner is granted four months to pay the fine/compensation as requested by the learned counsel

for the revision petitioner.

Needless to state that if the revision petitioner had already deposited any amount before the trial court pursuant to the direction of this Court, the said

amount shall be released to the complainant as part payment of the compensation.