

(2020) 12 KL CK 0254

In the High Court Of Kerala

Case No : Criminal Revision Petition No. 2196 Of 2009

K.B. Binu

APPELLANT

Vs

S. Sreekanth And Anr

RESPONDENT

Date of Decision : 15-12-2020

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2020) 12 KL CK 0254

Hon'ble Judges : B. Sudheendra Kumar, J

Bench : Single Bench

Advocate : G. Sudheer, K.S. Bharathan, M.K. Pushpalatha

Final Decision : Dismissed

Judgement

1. The revision petitioner was convicted and sentenced by the courts below under Section 138 of the Negotiable Instrument Act (for 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 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 by the courts below that the revision petitioner committed the offence under Section 138 of the N.I.Act does not warrant any interference by this Court. The sentence awarded by the appellate court also does not warrant any interference by this Court.

In the result, this Revision Petition stands dismissed.

The revision petitioner shall surrender before the trial court on 18.01.2021 to suffer the sentence of imprisonment till the raising of the court.

The revision petitioner is granted six months to pay the 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 first respondent herein, who is the complainant before the trial court, is entitled to collect the said amount from the court concerned.