

(2012) 11 KL CK 0007

In the High Court Of Kerala

Case No : Criminal Rev. Petition No. 2214 of 2012

K.P. Sanjeev Kumar

APPELLANT

Vs

Mahindra and Mahindra Financial Services Ltd., Calicut and
State of Kerala

RESPONDENT

Date of Decision : 05-11-2012

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2012) 11 KL CK 0007

Hon'ble Judges : S. Siri Jagan, J

Bench : Single Bench

Advocate : R. Sudhish, Smt. M. Manju and Sri. K.R. Ranjith, for the Appellant; Devaprasanth P.J., for R1 and Smt. Seena Ramakrishnan, Public Prosecutor for R2, for the Respondent

Judgement

Justice S. Siri Jagan

1. The petitioner is the accused in S.T. No. 1729/2009 before the Judicial first Class Magistrate's Court - I, Kozhikode. The prosecution was one u/s 138 of the Negotiable Instruments Act. The Magistrate convicted the petitioner and sentenced him to undergo simple imprisonment for six months and to pay fine of Rs. 3,75,000/- (Rupees three lakh seventy five thousand only) with a default sentence of six months. The fine amount was directed to be paid as compensation to the complainant. The petitioner filed Criminal Appeal No. 695/2011 before the Session Court, Kozhikode challenging the judgment of the Magistrate. The Session Court confirmed the conviction, but interfered with the punishment of imprisonment and also reduced the fine amount. Accordingly, he was sentenced to pay fine of Rs. 1,80,000/- (Rupees one lakh eighty thousand only) with a default sentence of simple imprisonment for two months. The fine amount was directed to be paid to the complainant. When the matter was taken up today, the learned counsel for the petitioner submits that the petitioner does not wish to contest the matter on merits but, confines relief for six months' time

to pay the fine amount.

2. I have heard the learned counsel for the 1st respondent also on this question. Having heard both sides, I dispose of this Criminal Revision Petition as follows:

The petitioner shall pay the fine amount on or before 6.5.2013. If by that time the fine amount is not paid, the Magistrate shall execute the sentence. It would be open to the petitioner to pay the amount directly to the 1st respondent and to produce proof of payment before the Magistrate.