
(2011) 05 KL CK 0026

In the High Court Of Kerala

Case No : Criminal Rev. Petition No. 1114 of 2011

Ponathayil Anthootty

APPELLANT

Vs

U. Majeed

RESPONDENT

Date of Decision : 31-05-2011

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2011) 05 KL CK 0026

Hon'ble Judges : V.K.Mohanan, J

Bench : Single Bench

Advocate : C.P. Peethambaran, for the Appellant; No Appearance, for the Respondent

Judgement

V.K. Mohanan, J.—The challenge in this Crl.R.P is against the conviction and sentence imposed on the revision Petitioner, who is the accused in a prosecution for the offence u/s 138 of the Negotiable Instruments Act.

2. As this Court is not inclined to interfere with the order of conviction and sentence, the learned Counsel for the revision Petitioner submitted that the Petitioner may be granted sufficient time to compensate the complainant. Having regard to the facts and circumstances involved in the case, I am of the view that the Petitioner can be granted 45 days time to pay the compensation amount fixed by the appellate court.

In the result, this revision petition is disposed of confirming the conviction of the revision Petitioner u/s 138 of the N.I. Act as recorded by the courts below. Accordingly, while confirming the sentence of imprisonment, direction to pay compensation, the compensation amount and the default sentence, the Petitioner is granted 45 days time from today to pay the compensation amount. It is made clear that the default sentence fixed by the courts below will be attracted only in case of default in paying the compensation amount within 45 days from today. Accordingly, the revision Petitioner is directed to appear before the trial court on 15.7.2011 to receive the modified sentence of imprisonment and to pay the

compensation amount. If there is any failure on the part of the revision Petitioner in appearing before the trial court as directed above, the trial court is free to take coercive steps against the revision Petitioner to secure his presence and to execute the sentence and for realisation of the compensation amount. Coercive steps, if any, pending against the revision Petitioner shall be deferred till 15th July, 2011.