
(2012) 01 KL CK 0098
In the High Court Of Kerala
Case No : Criminal R.P. No. 183 of 2012

P.S. Sukumaran

APPELLANT

Vs

P.P. Sureshkumar and State of Kerala

RESPONDENT

Date of Decision : 19-01-2012

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2012) 01 KL CK 0098

Hon'ble Judges : N.K. Balakrishnan, J

Bench : Single Bench

Advocate : K.S. Madhusoodanan and Sri. Thomas Chazhukkarar, for the Appellant; T.R. Rajesh, Public Prosecutor, for the Respondent

Judgement

N.K. Balakrishnan, J.—Heard, learned counsel for the revision petitioner. Petitioner was convicted by the learned Magistrate for offence punishable under Sec. 138 of N.I. Act and he was sentenced to pay fine of Rs. 32,000/- and in default to undergo S.I. for three months. His appeal was dismissed by the learned Sessions Judge.

2. Though the learned counsel for the petitioner addressed his arguments challenging the conviction also, I found no material to accept the argument. The learned counsel submits that petitioner is ready to pay the amount but because of financial constraints he could not remit the amount. It is submitted that petitioner is a coolie and that the petitioner's wife fell ill and he had to spend huge money for her treatment also. It is further submitted that a sum of Rs. 10,000/- has already been deposited as per the direction issued by the trial court. So the balance amount payable will be Rs. 22,000/-.

3. Considering all the aspects, this CrI. R.P. is disposed of as stated below :-

The conviction is confirmed. The petitioner will deposit a sum of Rs. 7,000/- on or before 21.2.2012. After giving credit to the sum of Rs. 10,000/- which was stated to have been deposited by the petitioner before the trial court earlier, the

balance amount payable shall be remitted by the petitioner in three equal monthly instalments. If no such amount was deposited earlier, that amount shall also be paid within the time as stated above. The entire amount so deposited shall be paid to the complainant being the compensation payable to him.