

(2011) 02 KAR CK 0048
In the Karnataka High Court
Case No : Criminal R.P. No. 1484 of 2010

Roshini Electricals

APPELLANT

Vs

Mathaji Electricals

RESPONDENT

Date of Decision : 01-02-2011

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2011) 02 KAR CK 0048

Hon'ble Judges : V. Jagannathan, J

Bench : Single Bench

Advocate : K. Surendra Babu, for the Appellant;

Final Decision : Dismissed

Judgement

V. Jagannathan, J.—Heard Petitioner's counsel in respect of the challenge of judgments of the courts below. The Petitioner was convicted for the offence punishable u/s 138 of the N.I Act by the trial court and was sentenced to pay a fine of Rs. 72,000/-, in default, to undergo simple imprisonment for three months. Out of the said amount, the complainant was held to be entitled to compensation of Rs. 71,000/-.

2. Appeal preferred by the Petitioner herein was also dismissed by the lower appellate court by concurring with the view taken by the trial court.

3. I have heard the learned Counsel for the Petitioner and perused the judgments of the courts below. Though submission made by the Petitioner's counsel is that, the complainant had agreed to give discount in respect of the goods delivered to the Petitioner's place, yet the said discount was not given and this fact was not taken note of by the courts below.

4. Having heard the aforesaid contention put forward and on going through the judgments of the courts below it is noticed that, the Petitioner herein has admitted that, he had issued the cheque in question to the Respondent and the fact of cheque having been dishonoured for insufficient funds is also established

by the complainant before the trial court. Under the said circumstances, the trial court was justified in holding that the complainant has proved his case in view of the cheques which were dishonoured having been proved through the endorsements issued Ex.P3 and P4. Even notice issued by the complainant Ex.P5 was not properly answered by the Petitioner herein and no payment was also made.

5. Under the above circumstances, I do not see any error being committed by the trial court in accepting the case of the complainant and convicting the Petitioner herein as aforesaid. The lower appellate court also had no difficulty in confirming the judgment of the trial court and also sentence passed.

I therefore see no merit in this petition and the revision petition is dismissed.