

(2021) 01 KL CK 0407

In the High Court Of Kerala

Case No : Criminal Revision Petition No. 2147 Of 2010

Siddique

APPELLANT

Vs

Jayandrathan And Ors

RESPONDENT

Date of Decision : 18-01-2021

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2021) 01 KL CK 0407

Hon'ble Judges : B. Sudheendra Kumar, J

Bench : Single Bench

Advocate : P. Ramachandran, Rajit, 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 Instruments 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 executed Ext.P1

cheque as contemplated under Section 138 of the N.I.Act and 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 under Section 138 of the N.I.Act

by the courts below was perverse or incorrect. In the said circumstances, the concurrent finding of conviction by the courts below under Section 138

of the N.I.Act, does not warrant any interference by this court. The sentence awarded by the courts below also does not warrant any interference by

this Court.

In the result, this Criminal Revision Petition stands dismissed.

However, the revision petitioner is granted ten months to pay the fine/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 in connection with this case, the said amount shall be released to the complainant as part of the compensation.