

TABULAR STATEMENT

- 1 No. and year of Appeal : Criminal Appeal No.213/2025
- 2 Name, address and place of residence of appellant. : Abdul Rahim P.U,
aged 48 years
S/o.C.K.Yousuf
R/at.Piliniilkumkalayil
Paroalockal Ettumanoor,
Athirumpuzha, Kottayam
- 3 Name, address and place of residence of respondents : 1.State:Represented by
Public Prosecutor,
Kasaragod
2.Jismon Baby,aged 27 years
S/o. Baby Thannikuzhiyil,
R/at.Nayikayam, Kodom
Belur, Thayannur Village
Vellarikkundu, Kasaragod
- 4 Name of Court of first instance and No.& year of the case there : Judicial First Class
Magistrate-I, Hosdurg
S.T.C.No.727/2019
- 5 Name and designation of the Presiding Officer of the Court of first instance whose judgment is under appeal. : Sri.Abdul Rasik.C
Judicial First Class
Magistrate-I,Hosdurg
- 6 Conviction and sentence in the lower Court : The Accused is sentenced
to pay fine of
Rs.1,50,000/-(One Lakh and
fifty thousand Rupees only)
for the offence under
Section 138 of NI Act. In
default of payment of fine
the accused shall undergo

Simple Imprisonment for a period of 3 months (Three Months). If the fine amount of Rs.1,50,0000/- (One lakh and Fifty Thousand Rupees only) is realized, the amount shall be paid to the complainant as compensation under Section 357(1) (b) of the Cr.P.C

- 7 Date of judgment of the Court of first instance. : 18.08.2025
- 8 Date of Appeal : 17.09.2025
- 9 Date and nature of disposal of Appeal : 01.06.2026
Allowed
- 10 Reasons for the delay in the Court and remarks. : Diary extract enclosed.

Sessions Court, Kasaragod.
Dated:01.06.2026.

Sd/-
SESSIONS JUDGE

IN THE COURT OF SESSIONS, KASARAGOD
DIARY EXTRACT IN CRIMINAL APPEAL No.213/2025

- 18-09-2025 : Heard. Admitted. Issue notice to R2 by registered post.Call on 14-10-2025
- 14-10-2025 : The appellant shall cure the defect in steps to issue notice to 20.11.25
- 20-11-2025 : Appellant prays for steps. Steps shall be taken with in 3 days. Return of notice to 17-12-2025
- 17-12-2025 : No representation for the appellant. R2 appeared. For hearing to 28-02-26
- 28-02-2026 : Presiding Officer is on other duty. Hence this case is adjourned by notification to 26-05-2026
- 26-05-2026 : Case reported settled. File memo to 29-05-2026
- 29-05-2026 : Appeal is not pressed. Heard both sides. For orders to 01-06-2026
- 01-06-2026 : Accused is found not guilty and he is acquitted U/S 147 of NI ACT Vide Separate Judgment.

Sessions Court, Kasaragod.
Dated: 01.06.2026

Sd/-
SESSIONS JUDGE

FORM No. 51

IN THE COURT OF SESSION, KASARAGOD

Present:-Sri.Vinayaka Rao, Sessions Judge.

Monday, 01st day of June 2026/11th Jyaishta 1948**CRIMINAL APPEAL No.213 OF 2025**

From which Court the appeal is preferred : Judicial First Class Magistrate Court-I, Hosdurg

No.of the case in that Court : S.T.C. No.727/2019

Name and description of the appellant. : Abdul Rahim P.U,
aged 48 years
S/o.C.K.Yousuf
R/at.Pilinilkumkalayil
Paroalockal Ettumanoor,
Athirumpuzha, Kottayam

Name and description of the Respondent. : 1.State:Represented by
Public Prosecutor,
Kasaragod
2.Jismon Baby, aged 27 years
S/o. Baby Thannikuzhiyil,
R/at.Nayikayam, Kodom
Belur, Thayannur Village
Vellarikkundu, Kasaragod

The sentence and law under which it was imposed in the Lower Court. : The Accused is sentenced to pay fine of Rs.1,50,000/-(One Lakh and fifty thousand Rupees only) for the offence under Section 138 of NI Act. In default of payment of fine the accused shall undergo Simple Imprisonment for a period of 3 months (Three

Months). If the fine amount of Rs.1,50,0000/- (One lakh and Fifty Thousand Rupees only) is realized, the amount shall be paid to the complainant as compensation under Section 357(1) (b) of the Cr.P.C

Whether confirmed, : Reversed
reversed or modified.

If modified
modification

Date of or on which							
Presentat ion	Filing	Issuan ce of notice to the respon dent	Appea rance of respo ndent	Appell ant ordere d to be appear	Releas e on execut ion of bail bond	Final hearing	Judgment
17.09.2025	18.09.2025	--	--	--	--	29.05.2026	01.06.2026

This appeal coming up before me upon perusing the petition of appeal and the record of the evidence and proceedings and upon duly considering the same after hearing the arguments of Sri.Sumesh.T, Advocate for the Appellant; Public prosecutor for 1st Respondent(State); Sri.P.N.Vinod Kumar, Advocate for 2nd Respondent; I do adjudge and pass the following:-

J U D G M E N T

This is an appeal filed against the Judgment of the Judicial First Class Magistrate-I, Hosdurg in STC.727/2019 by the accused before the trial court.

2. The appellant is the accused before the trial court. The 2nd respondent herein had filed a complaint under section 138 of the Negotiable Instruments Act before the trial court.

3. The case of the complaint was that on 12.05.2019, the accused approached the complainant at his residence and borrowed a hand loan of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) and, in discharge of the said liability, the accused has executed and issued a cheque bearing No. 008743 dated 17.09.2019 drawn on Catholic Syrian Bank, Ettumannur Branch, Kottayam for the above said amount in favour of the complainant. The complainant sent the cheque for collection through Indian Overseas Bank, Odayanchal branch. The cheque was dishonoured, with a memo dated 10.10.2019 stating

reason 'funds insufficient. Thereafter, a legal notice was issued to the accused, directing him to pay the amount within 15 days of receipt of notice. The said notice was sent by the complainant on 17.10.2019 by registered post and was returned with endorsement "unclaimed". The accused did not send any reply to the notice. No repayment of the amount was made. Therefore, the complainant had filed the complaint before the trial court.

4. The trial court took cognizance of the offence under section 138 of the NI Act and took the case on file as STC.727/2019. The accused entered appearance.

5. The complainant was examined as PW1 and Ext.P1 to P4 were marked from the side of the complainant. Thereafter, the accused was questioned under section 313 (1) (b) of Cr.P.C. No defence evidence as adduced.

6. After hearing both sides, the trial court found the accused guilty of the offence punishable under section 138 of the NI Act and convicted him

for the said offence under section 255(2) of Cr.P.C. The accused was sentenced to pay a fine of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only), and in default of payment of fine, the accused was to undergo simple imprisonment for a period of 3 months.

7. Aggrieved by the above judgment of conviction and sentence, the accused before the trial court has come up in appeal before this court.

8. When the case came up for hearing, the counsel for the appellant filed a memo stating that the matter has been settled out of court and the entire amount has been paid to the respondent.

9. The counsel for the respondent also filed memo acknowledging the receipt of the amount due to him. It is seen stated in the memo that the dispute between the complainant and accused has been settled. The respondent also stated that he has no objection in allowing the appeal and setting aside the conviction and sentence imposed by the trial court.

10. In view of the above facts and circumstances of the case, and in view of the settlement, and in view of the fact that the entire amount due to the respondent has been paid by the appellant, I find that the judgment of conviction and sentence passed by the trial court against the appellant is liable to be set aside and accordingly, accused is to be found not guilty and he is to be acquitted under section 147 of the NI Act.

In the result, the appellant is found not guilty of the offence punishable under section 138 of the N.I.Act. He is acquitted under section 147 of the NI Act.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 1st day of June, 2026.

**Sd/-
SESSIONS JUDGE
KASARAGOD.**

//True Copy//

Typed by :Reshmi.P
Compared by: Sajith

IN THE COURT OF SESSION, KASARAGOD

CRIMINAL APPEAL No.213/2025

Judgment Dated:01.06.2026

To

The Registrar

(District Judiciary),

Hon'ble High Court of Kerala.

The J.F.C.M-I Court, Hosdurg

The Public Prosecutor, Kasaragod