



2025:KER:31436

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

CRL.REV.PET NO. 201 OF 2025

AGAINST THE JUDGMENT DATED 14.10.2024 IN Cr1.A NO.119 OF 2024 OF SESSIONS COURT, PALAKKAD ARISING OUT OF THE JUDGMENT DATED 03.07.2024 IN ST case NO.89 OF 2019 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,CHITTUR

REVISION PETITIONER/APPELLANT/ACCUSED:

ABUTHAHIR, AGED 45 YEARS
S/O.NAVABGHAN, ALAYAR, VANDITHAVALAM (PO), CHITTUR
PALAKKAD DISTRICT, PIN - 678101

BY ADV BINOY VASUDEVAN

RESPONDENTS/RESPONDENTS/STATE & COMPLAINANT:

- 1 STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
- 2 MUHAMMED, S/O.MUHAMMEDKUTTY RAWTHER AGED 60 YEARS,
ERISSERY, THEKKEDESOM (PO), CHITTUR PALAKKAD
DISTRICT, PIN - 678101

BY ADVS. K.V.RAJESWARI
SUSHAMA DEVI M.(K/001817/2024)

SMT.SREEJA V., SR. PP

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY
HEARD ON 10.04.2025, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:



ORDER

This revision petition has been filed challenging the concurrent finding of conviction and sentence in a prosecution under Section 138 of the Negotiable instruments Act (for short, the NI Act).

2. The petitioner is the accused and the 2nd respondent is the complainant. The 2nd respondent filed a private complaint against the petitioner under Section 142 of the NI Act before the Judicial First Class Magistrate Court, Chittur (for short the trial court) as S.T.Case No.89/2019. After trial, the trial court found the petitioner guilty and he was convicted for the offence punishable under Section 138 of the NI Act. He was sentenced to undergo imprisonment till the rising of the court and to pay a fine of ₹56,900/- to the 2nd respondent, in default to suffer simple imprisonment for two months. The petitioner preferred an appeal before the Sessions Court, Palakkad (for short, the appellate court) as Crl.A.No.119/2024. The appellate court confirmed the conviction and sentence and dismissed the appeal. This revision petition has been filed challenging the concurrent finding of the conviction and sentence of both the trial court as well as the appellate court.



3. I have heard Sri. Binoy Vasudevan, the learned counsel for the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner is not challenging the concurrent finding of conviction and the sentence. However, the learned counsel submitted that the petitioner may be granted two months' time to pay the fine amount.

Having heard both sides and going through the entire facts and circumstances, the conviction and sentence passed by the trial court as well as the appellate court are hereby confirmed. The petitioner is granted two months' time to appear before the trial court to receive the imprisonment till the rising of the court and to deposit the fine amount. Till two months, the coercive steps against the petitioner shall be kept in abeyance. The criminal revision petition is disposed of as above.

sd/-

DR. KAUSER EDAPPAGATH

JUDGE

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