



2025:KER:30193

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

TUESDAY, THE 8<sup>TH</sup> DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

CRL.REV.PET NO. 226 OF 2023

AGAINST THE JUDGMENT DATED 3.11.21 IN Cr1.A NO.306  
OF 2017 OF SESSIONS COURT, THALASSERY, JUDGMENT DATED  
24.8.2017 IN STC 2509/2015 OF JFCM, KUTHUPARAMBA

REVISION PETITIONER/APPELLANT/ACCUSED:

NASEEMA.PK, AGED 45 YEARS  
D/O.AYSHA NOUSHAD MANZIL, ARAYAKKOOOL,  
P.O.CHAMPAD KANNUR DISTRICT., PIN - 670694

BY ADVS.ANILKUMAR V. (VAZHARAMBIL)  
K.ANIL KUMAR (CHUNAKKARA)

RESPONDENTS/RESPONDENTS/STATE:

1 RAMLATH.P, AGED 55 YEARS  
W/O. MUHAMMED KOYA DARUSALEM MOONAMPEEDIKA,  
P.O.NIRMALAGIRI KANNUR DISTRICT., PIN - 670701

2 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF  
KERALA, ERNAKULAM., PIN - 682031

BY ADVS. K.V.PAVITHRAN  
JAYANANDAN MADAYI PUTHIYAVEETIL (K/572/2004)  
JITHIN S SUNDARAN (K/000967/2016)  
ADARSH KURIAN (K/154/2020)

SRI.M.P. PRASANTH, PP

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY  
HEARD ON 08.04.2025, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:



## **ORDER**

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

2. The 1<sup>st</sup> respondent filed a private complaint against the petitioner under Section 142 of the NI Act before the Judicial Magistrate of First Class, Kuthuparamba (for short the trial court) as S.T.C.No.2509/2015. After trial, the trial court found the petitioner guilty and she was convicted for the offence punishable under Section 138 of the NI Act. She was sentenced to undergo simple imprisonment for one month and to pay a fine of ₹3,00,000/- to the 1<sup>st</sup> respondent, in default to suffer simple imprisonment for three months. The petitioner preferred an appeal before the Sessions Court, Thalassery (for short, the appellate court) as Crl.A.No.306/2017. The appellate court confirmed the trial court judgment 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. Anilkumar V., the learned



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counsel for the petitioner and Sri. P.V. Pavithran, the learned counsel for the 1<sup>st</sup> respondent.

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

Having heard both sides and taking into account the entire facts and circumstances of the case, the conviction passed by the trial court as well as the appellate court are hereby confirmed. The substantive sentence is reduced to imprisonment till the rising of the court retaining the sentence of fine and default clause. The petitioner is granted six months' time to appear before the trial court to receive the imprisonment till the rising of the court and to deposit the fine amount. The criminal revision petition is disposed of as above.

Sd/-

**DR. KAUSER EDAPPAGATH**

**JUDGE**

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**APPENDIX OF CRL.REV.PET 226/2023**

**PETITIONER ANNEXURES**

**Annexure A1**

TRUE COPY OF THE PRESCRIPTION ISSUED  
BY DR. C.K.RAJEEV NAMBIAR, MISSION  
HOSPITAL THALASSERY DATED 20.05.2022  
IS PRODUCED.