

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MRS. JUSTICE K. HEMA**

**THURSDAY, THE 3RD FEBRUARY 2005 / 14TH MAGHA 1926**

**Crl. Rev. Pet. No. 906 of 1999**

**CRA.71/1998 of ADDL. SESSIONS COURT, NORTH PARAVUR  
ST. 2213/1995 of JUDL.MAGISTRATE OF FIRST CLASS-II, ALUVA**  
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**REVN. PETITIONER/APPELLANT/ACCUSED**  
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**PADMAKUMAR, VADAKKE MUDUKANI,  
MUTTUMBALAM, KOTTAYAM – 4.**

**BY ADV. SRI. P. SHRIHARI  
SMT. P. VANI**

**RESPONDENTS/ RESPONDENTS/COMPLAINANT**  
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- 1. MR. C.M. KRISHNA MOORTHY,  
33/1639, THAIKKAVU JUNCTION,  
VENNALA, ERNAKULAM DISTRICT.**
- 2. THE STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT. TRESA RANI GEORGE.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD  
ON 03/02/2005, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Crl. Rev. Pet. 906/1999**

**...2..**

**Crl. M.P. No. 4201 of 1999 in Crl. R.P. No. 906 of 1999**

**Dismissed.**

**03.02.2005**

**Sd/- K. HEMA, JUDGE**

**// TRUE COPY //**

**P.S. TO JUDGE.**

**K. HEMA, J.**

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**Crl. R.P. No. 906 of 1999**  
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**Dated this the 3<sup>rd</sup> day of February, 2005**

**ORDER**

The petitioner is accused in S.T.No.2213/95 of the Judicial First Class Magistrate-II Aluva. The complaint was filed against him under Section 138 of the Negotiable Instruments Act by the first respondent. The trial court convicted and sentenced accused to undergo simple imprisonment for 3 months.

2. The petitioner filed an appeal which was taken on file as Crl.A.No.71 of 1998 by Addl. Sessions Judge, North Paravur. The appellate court considered the evidence and found that the evidence of PW1 to be believable. It was found that issuance of cheque Exts.P1 and P2 was established by the complainant and that there was no attempt on the part of the accused to rebut the presumption. The evidence of the bank manager and the records from the bank were also considered and those were found to be acceptable.

3. It was held that there is evidence that complainant complied with the procedural formalities before filing the complaint and that the prosecution convincingly established the guilt. The petitioner's counsel reported no instructions when the case was taken up along with Crl.M.C.1539 of 2000. Petitioner and counsel are absent today also. In such circumstances, I have considered the grounds stated in the revision petition. I do not find anything illegal, improper or incorrect in the findings

or the order under challenge. There is ample evidence to establish the guilt of the accused as held by the lower appellate court. In the above circumstances, I find no ground to interfere.

Petition is dismissed.

SD/-

**K. HEMA, JUDGE.**

krS