

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 3RD DAY OF JANUARY 2012/13TH POUSHA 1933

CR.R.P.No. 17 of 2012

NO./ IN CRA.266/2011 of ADDITIONAL DISTRICT COURT (ADHOC-I), ERNAKULAM

NO./ IN ST.958/2008 of J.M.F.C.-IV, KOCHI

REVISION PETITIONER/APPELLANT/ACCUSED

GOPAKUMAR N,  
AGED 30 YEARS,  
S/O.NANDAKUMAR KURUP,  
PROPRIETOR,G.K.TRAVELS,  
PUTHENKALAM, H.M.T.JUNCTION  
KALAMASSERY-683 104.

BY ADVS.SRI.C.ANILKUMAR KALEESSERIL  
SRI.C.Y.VINOD KUMAR

RESPONDENTS/COMPLAINANT & STATE

1 MRS.JOLLY SIMON,  
AGED 52 YEARS,  
W/O.MR.A.L.D.SIMON,  
9/170/C, MANAKACHIRA ROAD,  
INTUC JUNCTION, NETOOR,  
COCHIN-682 304.

2 STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR, SRI. T.R. RAJESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION  
ON 03-01-2012 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DST

**P. BHAVADASAN, J.**

-----  
Crl.R.P. No. 17 of 2012  
-----

Dated this the 3rd day of January, 2012.

**ORDER**

Revision petitioner was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for three months and also directed to pay a fine of Rs.2,95,000/-, in default to undergo simple imprisonment for three months. It was also directed that if the amount is realised, the same shall be released to the complainant as compensation under Section 357(3) of the Code of Criminal Procedure.

2. In appeal sentence was modified as imprisonment till the rising of the court and pay fine of Rs.2,95,000/-, in default, to undergo simple imprisonment for two months. It was also directed that if the fine amount is realised, it shall be paid to the complainant as compensation.

3. Learned counsel for the petitioner did not address this court on the merits of the case and only wants some time to pay the compensation to the complainant. Considering the amount that is to be paid, learned counsel prays for six months to pay the amount.

4. After having heard counsel for the petitioner, it is felt that a short time can be granted to the petitioner to pay the fine amount so as to avoid further complications in the matter.

5. While confirming the conviction of the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act and the sentence of imprisonment till the rising of the court, the petitioner is granted three months time to pay the fine amount as directed by the court below, and in default of payment of which, he shall suffer simple imprisonment for a period of six months. If the fine amount is realised, the same shall be paid as compensation to the complainant as directed by the court below.

With the above modification, this revision petition is disposed of.

**P. BHAVADASAN,  
JUDGE**

sb.