

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Crl.MC.No. 102 of 2015 ()

IN Crl.Rev.Pet 3574/2009 of HIGH COURT OF KERALA

IN CC 189/2004 of JUDL.M.F.C-I, ERNAKULAM

PETITIONER(S):

**M/S.DOLPHIN PACKAGES
MEENU BAGH, KOZHINJAMPARA, PALAKKAD
REPRESENTED BY ITS PROPRIETOR PRADEEP.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

**1. M/S.SREENIVASA PAPERMARKTS
2ND FLOOR, KALATHIL BUILDING, HOSPITAL ROAD
KOCHI REPRESENTED BY ITS POWR OF ATTORNEY HOLDER AND MANAGER
CD DAMODARA MENON. 682035**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

R BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 102 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

A1 - TRUE COPY OF THE ORDER DT. 24.11.09 PASSED IN CRL.RP NO. 3574/2009.

**A2 - TRUE COPY OF THE NOTICE DT. 29.12.14 ISSUED BY THE JFCM I, ERNAKULAM
IN CC NO. 189/2004 AND RECEIVED BY THE PETITIONER ON 05.1.15.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 102 of 2015

Dated this the 8th day of January, 2015.

ORDER

The petitioner herein stands convicted and sentenced in a prosecution brought under Section 138 of the Negotiable Instruments Act. The substantive sentence as modified in revision is only imprisonment till rising of the court, and there is also direction to pay a compensation of Rs.55,000/- to the complainant under Section 357 (3) Cr.P.C. The petitioner could not surrender before the trial court, and make payment of the compensation in time. Now he has received a notice from the trial court. He apprehends that he will have to undergo default sentence. The petitioner is now ready to make payment of the entire amount of compensation, and to serve out the sentence. Such a person need not have any apprehension. If he surrenders before the trial court, and makes payment of the compensation, the learned Magistrate will have to receive the amount of compensation, and the petitioner also will have to serve out the sentence for a day. That the court has given a notice to him does not mean that he will have to serve out the default sentence. The question of undergoing default

sentence comes only, when the amount of compensation is not paid. If the petitioner surrenders before the learned Magistrate to serve out the sentence, and makes payment of the compensation, the whole proceeding will end.

With these observations, this Crl.M.C is closed.

P.UBAID,
JUDGE

sab