

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

CrI.MC.No. 1170 of 2015 ()

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CRA 296/2014 of II ADDITIONAL SESSIONS COURT, KOLLAM
CC 1420/2008 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KOLLAM
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PETITIONER/PETITIONER/APPELLANT/ACCUSED:

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SAJEEV T., S/O.THANKAPPAN PILLAI
NELLIPALLIL HOUSE, NELLIMUKKU P.O
KAREEPRA VILLAGE, KOTTARAKKARA TALUK
KOLLAM DISTRICT.**

**BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH
SMT.R.S.SREEVIDYA**

RESPONDENTS/RESPONDENTS/RESPONDENTS/STATE AND COMPLAINANT:

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- 1. STATE OF KERALA - REPRESENTED BY THE
PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
 - 2. INDHU HARIKUMAR, REPRESENTED BY HIS
POWER OF ATTORNEY HOLDER HARIKUMAR
VRINDAVAN VEETIL, ELAMPALLOOR CHERRY
ELAMPALLOOR VILLAGE, KOLLAM FROM
INDHU VIHAR, NELLIMUKKU CHERRY
KAREEPRA VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT.**

R1 BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- ANNX.A1 - A TRUE PHOTOCOPY OF THE JUDGMENT OF THE JUDICIAL FIRST
CLASS MAGISTRATE COURT-I KOLLAM IN C.C.NO.1420/2008 DATED
29-11-2014**
- ANNX.A2 - A TRUE PHOTOCOPY OF THE CRL.MP NO.3928/2014 IN CRL.APPEAL
NO.296/2014 DATED 23-12-2014**
- ANNX.A3 - A TRUE PHOTOCOPY OF THE ORDER IN CRL.M.P.NO.201/2015 IN CRL.A
NO.296/14 DATED 24-01-2015 OF THE 2ND ADDL.SESIONS JUDGE,
KOLLAM.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1170 of 2015

Dated this the 25th day of February, 2015

O R D E R

The petitioner herein stands convicted and sentenced under Section 138 of the Negotiable Instruments Act. Aggrieved by the conviction and sentence in C.C.No.1420/2008 of the Judicial First Class Magistrate Court-I, Kollam, he preferred appeal before the Court of Session, Kollam as Crl. Appeal No.296/2014. Along with the appeal, he filed Crl.M.P.No.201/2015 for suspension of sentence. The learned II Additional Sessions Judge, Kollam granted suspension of sentence and bail on conditions. As a condition the petitioner is directed to deposit Rs.22,980/-, which is only a fraction of the amount of fine imposed. He is aggrieved, and he wants to have the condition set aside under Section 482 Cr.P.C. On a perusal of the impugned judgment, I find no scope for interference in this matter. What is ordered to be deposited as a condition for suspension of sentence is only 1/10th of the amount of fine. The condition is quite reasonable, and it is necessary also in the particular facts and circumstances. I am

not inclined to interfere in the impugned order, or to modify the amount. The learned counsel for the petitioner submits that the petitioner may be granted some time to make deposit. The impugned order was passed on 24.01.2015 directing deposit within 30 days. In the interest of justice the petitioner can be granted a short extension.

In the result, this petition is dismissed. However, in the interest of justice the time for making deposit as per the impugned order will stand extended till 13.03.2015.

Sd/-

P. UBAID, JUDGE

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