

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.JUBAID

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Crl.MC.No. 1455 of 2015 ()

**ST. NO.3458/1999 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
NORTH PARAVUR.**

.....

PETITIONER/ACCUSED:-

**K.G.MOHANAN, AGED 54 YEARS,
S/O.LATE GOPALAN, KADAVUNKAL VEEDU,
VATTAPPARA P.O., SENAPATHI, IDUKKI DISTRICT,
PRESENTLY RESIDING AT M.M. COMPLEX,
P.C. PETTY, THENI, TAMIL NADU.**

BY ADV. SRI.GEORGE SEBASTIAN.

RESPONDENTS/COMPLAINANT & STATE:-

- 1. JOSEPH HUBE, PROPRIETOR,
ZIGMA ENTERPRISES, CHATHEDOM
THURUTHIPURAM (KOTTAPPARAM VIA),
PARAVOOR, ERNAKULAM-682 018.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- ANNEXURE A. A TRUE COPY OF THE ORDER DATED 09.02.2005 IN
CRIMINAL RP. 208/2005.**
- ANNEXURE B. A TRUE COPY OF THE NEWS ITEM APPEARED IN THE
MALAYALA MANORAMA DAILY DATED 08.09.1999.**
- ANNEXURE C. A TRUE COPY OF THE NEWS ITEM APPEARED IN THE
MANGALAM DAILY DATED 24.09.1999.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.UBAID, J.

Crl. M.C No.1455 of 2015

Dated this the 9th day of March, 2015.

O R D E R

The petitioner stands convicted and sentenced under section 138 of the Negotiable Instruments Act. The conviction was confirmed in appeal. In revision, this Court confirmed the conviction but modified the sentence (Crl.R.P No.208 of 2005). Accordingly, the petitioner was directed to surrender before the trial court to serve out the sentence till rising of the court, and to make payment of the compensation ordered by the court. Due to some reasons, he could not surrender in court and make deposit of the compensation. Now execution proceedings are initiated. The petitioner's grievance is that, finding that the time granted by this court is over, the complainant has been demanding more money. In fact the petitioner has nothing to worry and nothing to complain. His conviction and sentence stands confirmed. He will have to surrender before the trial court to serve out the sentence imposed by this Court in revision, and deposit the amount of compensation. Once the compensation is deposited, it will be paid to the complainant from the court. There is no question

of extending the time fixed by the court now, when the petitioner is ready to deposit the amount at any time. He need not obtain any further order and he need not wait for anybody to surrender before the trial court and deposit the amount of compensation. He will have to surrender before the court below without any delay and deposit the amount of compensation. If he fails to deposit the amount of compensation on surrender, he will be liable for the default sentence.

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

P.UBAID,
JUDGE

sab