

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.MC.No. 3240 of 2015

**Crl.M.P.NO.801/2015 IN Crl.A. 163/2015 OF ADDITIONAL ADDITIONAL SESSIONS
COURT, MOOVATTUPUZHA.
CC 40/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, PERUMBAVOOR.**
.....

PETITIONER/APPELLANT/ACCUSED:

**JAIBE, AGED 38 YEARS,
S/O KURIAKOSE, ATHIRAMPUZHA HOUSE,
VENGOOR P.O., VENGOOR VILLAGE, PIN:683542.**

BY ADV. SRI.K.SUNILKUMAR

RESPONDENTS/COMPLAINANT AND STATE:

- 1. ABDUL HASEEM, S/O C.P.UNNI,
CHENTHRA HOUSE, RAYONPURAM P.O.,
VALLOM KARA, PERUMBAVOOR, PIN:683543.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

R2 BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

**ANNEXURE A1: TRUE COPY OF THE ORDER DATED 5.3.2015 IN C.C.NO.40/2014
ON THE FILE OF JFMC-II, PERUMBAVOOR.**

**ANNEXURE A2: TRUE COPY OF THE ORDER DATED 20.4.2015 IN
CRL.M.P.NO.801/2015 IN CRL. APPEAL NO.163/2015 ON THE
FILE OF HON'BLE ADDITIONAL DISTRICT AND SESSIONS
COURT, ERNAKULAM.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

Crl.M.C.No.3240 Of 2015

Dated this the 4th day of June, 2015.

ORDER

The prayer in this Crl.M.C is for an order directing to delete the condition imposed in Annexure-A2 order dated 20.4.2015 in Crl.M.P.No.801/2015 in Crl.A.No.163/2015 on the file of the Additional Sessions Court concerned, Ernakulam, whereby it was ordered therein that the sentence will be suspended on the deposit of part of the fine amount of Rs.50,000/-. It is pointed out that the petitioner due to extreme financial difficulties could not comply with the said impugned direction to pay deposit amount of Rs.50,000/- and that now warrant proceedings are pending against him.

2. Heard Sri.K.Sunil Kumar, learned counsel for the petitioner and learned Public Prosecutor for official 2nd respondent-State of Kerala.

3. After having considered the facts and circumstances, it is ordered in the interest of justice that it will be open to the petitioner through his counsel to move appropriate application before the court below for modification of the condition impugned in Annexure-A2 order without any further delay and on submission of such application as aforestated, the Sessions Court concerned will take up the same for consideration and pass appropriate orders thereon without much delay after affording a reasonable opportunity of being heard to the petitioner. All reasonable endeavours may be made to ensure that orders as aforestated are passed in the application to be filed by the petitioner within a period of one month from the date of receipt of a certified copy of this order. It is further ordered in the interest of justice that until such orders are passed by the Sessions Court as aforestated, further coercive steps that may be pending against the petitioner will remain stayed. If the petitioner does not make the application through his counsel as directed above, within a period of three weeks from today, then the aforementioned directions issued

CrI.M.C.No.3240 Of 2015

herein above shall automatically stand vacated. It is made clear that it will be solely within the province of the court below concerned to consider and take appropriate decision on such application as aforestated in accordance with law and in the light of any court rulings that may be pointed out by the parties concerned.

With these observations and directions, this CrI.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-