

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Crl.MC.No. 3610 of 2015

CC 351/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD.
.....

PETITIONER/ACCUSED:

**NAJIYA, W/O.SHAJAHAN T.P.,
THAIKKANDIPARAMBIL VEEDU,
HOSPITAL ROAD, P.O.CHAVAKKAD,
GURUVAYUR, THRISSUR DT.**

**BY ADVS.SRI.A.HAROON RASHEED
SRI.C.R.REKHESH SHARMA**

RESPONDENT(S)/COMPLAINANT:

- 1. BABURAJ, S/O.MADHAVAN,
THAIKKAD VEETIL, MUTHUVATTUR DESOM,
GURUVAYUR VILLAGE, CHAVAKKAD TALUK,
THRISSUR DT., PIN - 680 506.**
- 2. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
CHAVAKKAD POLICE STATION, THRISSUR DISTRICT,
THROUGH 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 01-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE 1 - CERTIFIED COPY OF THE JUDGMENT OF CC NO.351/2012 OF
 THE FILE OF J.F.C.M COURT, CHAVAKKAD DATED 29.11.2014.**

**ANNEXURE 2 - TRUE COPY OF THE RECEIPTS ISSUED BY THE
 1ST RESPONDENT.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

B. KEMAL PASHA, J.

.....
Crl.M.C. No.3610 of 2015
.....

Dated this the 1st day of September, 2015

ORDER

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By availing plea bargaining, the petitioner obtained a conviction and sentence in a matter relating to an offence under Section 138 of the Negotiable Instruments Act. By accepting plea bargaining, the court below convicted the petitioner and imposed a sentence of imprisonment till the rising of the court and passed an order to pay an amount of ₹1,06,000/- as compensation under Section 357 (3) Cr.P.C., and in default to undergo simple imprisonment for four months. Within the time limit, the petitioner could pay ₹40,000/- only. The present request is to permit the petitioner to pay off the balance amount in instalments.

2. The aforesaid request cannot be granted by this Court at this stage. The petitioner has willingly obtained the sentence through plea bargaining. A modification of the

sentence cannot be done by this Court by invoking the jurisdiction under Section 482 Cr.P.C.

In the result, this CrI.M.C. is not maintainable and hence, it is dismissed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/01/09

*// True Copy //*

*PA to Judge*