

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Crl.MC.No. 3707 of 2015 ()

**CRL.A.NO. 235 OF 2006 OF SESSIONS S.T.C.NO. 119/2006 of ADDL.CHIEF JUDICIAL
MAGISTRATE COURT, THALASSERY**

PETITIONER(S)/ACCUSED:

**KALESH V.P., AGED 41 YEARS,
S/O.PADMAVATHI, LAKSHMI NIVAS, VALLEYAYI ROAD P.O.,
PATHAYAKUNNU, THALASSERY TALUK.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS/COMPLAINANT & STATE:

**1. RAMESH BABU K.P.,
S/O.KELAN, LIBRARIAN, T.P. HOUSE,
PO.CHENDAYAD, THALASSERY TALUK-670 692**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULM 682 031**

**R1 BY ADV. SMT.MARY RANZOM LOUIZ
R2 BY PUBLIC PROSECUTOR:SMT.MAYA**

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

Crl.MC.No. 3707 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURE

**ANNEXURE AI: COPY OF THE ORDER IN CRL.R.P.NO.3516/2010 ON THE FILE OF
THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM DT. 30.11.2010**

RESPONDENT(S)' ANNEXURE: NIL

//TRUE COPY//

PA TO JUDGE

skr

SUNIL THOMAS, J.

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Cr.M.C.No. 3707 of 2015

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Dated this the 9th day of September, 2015

ORDER

The petitioner herein faced the trial for offence punishable under Section 138 of the Negotiable Instrument Act. Ultimately, the matter was carried in revision to this court and by order dated 13.11.2010, this court dismissed the revision, but subject to a direction that the compensation ordered to be paid to the complainant shall be paid within 4 months and to produce the memo to that effect before the trial court in case of direct payment. It was further directed that in case of failure to deposit or pay the said amount within the aforesaid period, he shall suffer simple imprisonment for 3 months as default sentence

2. There was delay in remitting that amount as directed by this court. Consequently warrant was issued by the trial court as per law. Consequently the petitioner approached this court seeking appropriate relief under

Section 482 of the Cr.P.C. Respondent/complainant appeared and file a petition as Crl.M.A.No.8294 of 2015 through counsel admitting that the amount due has been received by the respondent and a copy of the receipt produced.

3. Hence Crl.M.A.No.8294 of 2015 is recorded. Having regard to this fact, I feel that what remains is only the question Non bailable warrant issued. This court by decision reported in Sreedharan v. Bharathan 2014 (1) KLT 236 has held that grant of enlargement of time after the final disposal of the case for making payment of compensation/fine will not amount to the review of judgment. The legal position was explained in Girish v. Muthoot Capital Service (P) Ltd. (2007 (1) KLT 16. Having satisfied the order of this court in revision, what remains is only academic. I feel that the power under Section 482 can be exercised in such appropriate cases.

Hence, Crl.M.C is allowed, directing the court below to record the receipt of the money by the respondent in complete satisfaction of the order and further proceedings by the court below shall be dropped, after recalling warrant.

Sd/-
SUNIL THOMAS,
JUDGE.

skr