

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

Crl.MC.No. 4203 of 2015

CRL.MP.2224/2015 IN CRL.A.269/2015 OF SESSIONS COURT, KOZHIKODE
.....

PETITIONER(S)/APPELLANT:

**NOORUDEEN C.P., AGED 34 YEARS,
S/O. MAMMAD, CHERIYAKKATTUPUNATHIL HOUSE, KARIYAD P.O.,
POOVAMBRAM, PERINGATHUR AMSOM, PERINGATHUR DESOM,
KANNUR DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S)/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. V.K.MUHAMMAD, AGED 27 YEARS,
S/O. MOIDU, VAYALIL KUNIYIL HOUSE, KUNINGAD AMSOM,
VILATHAPURAM DESOM, NADAPURAM, KOZHIKODE.**

R1 BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
08-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 4203 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**A1 - THE COPY OF JUDGMENT IN ST NO. 30/2014 DT. 04.6.15 PASSED BY THE JFMC-II,
NADAPURAM.**

**A2 - THE COPY OF APPEAL MEMORANDUM IN CRL. APPEAL NO. 269/2015 AND THE
COPY OF PETITION IN CRL.MP NO. 2224/2015.**

**A3 - THE COPY OF ORDER DT. 30.6.15 PASSED BY THE SESSIONS COURT,
KOZHIKODE IN CRL.M.P NO. 2224/2015 IN CRL.APPEAL NO. 269/2015.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.s.TO JUDGE

MsV/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4203 of 2015

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Dated this the 8th day of July, 2015

O R D E R

The prayers in this Crl.M.C. are as follows:

“... to modify the Annexure 3 order to the extent of directing the petitioner to deposit Rs.1,00,000/- fixed by the Sessions Court, Kozhikode, in Crl.M.P.No.2224/2015 in Crl.Appeal No.269/2015 in the interest of justice.”

2. The operative portion of Anx.3 order reads as follows:

“Heard. Execution of the impugned sentence stands suspended and the petitioner will be released on bail on his executing bond for Rs. 2,00,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Judicial First Class Magistrate Court-II, Nadapuram and also on depositing Rs. 1,00,000/- before the lower court within 30 days from this date.”

3. It is submitted by Sri.Siju Kamalasanan, learned counsel for the petitioner that the condition to deposit Rs. 1 lakh as a condition precedent for suspension of the execution of the sentence is too onerous and hard and it is not possible for the petitioner to comply with such a condition as of now and that this amount may be reduced to Rs. 10,000/- in the interest of justice.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of

Kerala.

5. Taking into account the totality of the facts and circumstances of this case, it is ordered in the interest of justice that the impugned condition in Anx.3 order directing the petitioner to deposit Rs.1 lakh within 30 days' time is modified by directing that the petitioner shall deposit an amount of Rs.25,000/- (Rupees twenty five thousand only) within a period of two months from today. In case the petitioner does not make deposit of the above said amount within the aforesated time limit, then the benefit of this order will stand automatically vacated.

With these observations and directions, the Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge