

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Crl.MC.No. 3823 of 2014 ()

IN ST 6458/2011 of J.M.F.C.,ALATHUR

PETITIONER(S)/APPELLANT/ACCUSED:

**RAJESHKUMAR AGED 31 YEARS
S/O.RAMANKUTTY, RESIDING AT ILLIKKAL HOUSE
PAZHAMBALAKODE, ALATHUR TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.BABY MATHEW

RESPONDENT(S)/RESPONDENT/COMPLAINANT & STATE:

**1. BHASKARAN, AGED 63 YEARS
S/O.KUNJIRAMAN
RESIDING AT KODATHUR MELEDATHU KALATHIL, AZHAYANNUR
TRISSUR DISTRICT
CHAIRMAN OF PAZHAMBALAKODE KURIES AND LOANS - 680 001.**

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

R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 3823 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I: TRUE COPY OF THE ORDER IN CRL.MP NO.1179/2014 DATED 23/4/2014.

ANNEXURE II: TRUE COPY OF THE JUDGMENT IN ST NO.6458/2011 DATED 27/3/2014.

ANNEXURE III: TRUE COPY OF THE COMPLAINT IN ST. NO.6458/2011.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 3823 of 2014

Dated this the 4th day of March, 2015.

O R D E R

The petitioner herein stands convicted in a prosecution under Section 138 of the Negotiable Instruments Act. On conviction he was sentenced by the Judicial First Class Magistrate Court, Alathur to undergo imprisonment till rising of the court, and was also directed to pay a compensation of ₹ 1,35,000/- to the complainant under Section 357 (3) Cr.P.C. Aggrieved by the conviction and sentence the petitioner approached the Court of Session Palakkad. The learned Sessions Judge granted suspension of sentence and bail on certain conditions as per the order dated 23.4.2015 in Crl.M.P No.1179 of 2014. He is required to execute a bond for ₹ 50,000/- with two sureties, and also to make deposit of ₹ 50,000/- in the trial court. The petitioner is aggrieved by the condition directing cash deposit. On a perusal of the materials including the judgment of the trial court I find no scope or reason for interference under Section 482 Cr.P.C, in the condition imposed by the appellate court. The amount covered by the cheque is Rs. 1,27,650/-, and inclusive of the

other expenses, the compensation awarded by the trial court is ₹ 1,35,000/-. The amount ordered to be deposited by the appellate court is just 40% of the amount due under the cheque. I do not think that the said condition directing deposit of ₹ 50,000/- is irrational or unreasonable or onerous. Liability to some extent is admitted practically by the accused. Deposit of a fraction of the amount is ordered by the court with a view to do practically justice. It does not require any interference by this court.

In the result, this Crl.M.C is dismissed in limine, without being admitted to files.

P.UBAID,
JUDGE