

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

CrI.MC.No. 4430 of 2014 ()

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CRA 501/2008 of SESSIONS COURT,KOTTAYAM
ST 1264/2005 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,KANJIRAPPALLY
=====**

PETITIONER/RESPONDENT/COMPLAINANT:

**-----
C.V.JOSEPH
CHOTTAKKATTU HOUSE, 3RD MILE, KOOTICKAL P.O.
KOTTAYAM DISTRICT.**

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS/APPELLANT & 2ND RESPONDENT/STATE & ACCUSED:

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- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
 - 2. P.K.SULAIMAN, PUTHENVEETIL
NEAR INCHAYANI SERVICE CO-OPERATIVE BANK
WEST BRANCH,MUNDAKKAYAM NOW RESIDING
AT PUTHENVEETIL HOUSE
VELLANADI ROAD, NEAR PAINGANA, MUNDAKKAYAM P.O.
KOTTAYAM DISTRICT-686513.**

BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 4430 of 2014 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE-1: THE COPY OF THE JUDGMENT DATED 26/6/2009 IN CRIMINAL APPEAL
NO.501/2008 BEFORE THE SESSIONS COURT, KOTTAYAM.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.4430 of 2014

Dated this the 19th day of February, 2015

O R D E R

The petitioner herein is the complainant in a prosecution under Section 138 of the Negotiable Instruments Act. The trial court convicted the accused, and the sentence was confirmed in appeal. In revision, this Court confirmed the sentence, and granted some time to the accused to make payment of compensation. Now, the petitioner's complaint is that the sentence is not being enforced by the trial court. He seeks orders under Section 482 Cr.P.C. The petitioner has in fact wrongly come under Section 482 Cr.P.C. Now, there is no proceeding pending in any court under the Code of Criminal Procedure. When the allegation is of inaction on the part of the trial court in executing the sentence imposed by the trial court, this Court can interfere and direct the trial court to take necessary steps, only under Article 227 of the Constitution of India. Instead of filing a proper application, the petitioner opted to file a Crl.M.C. under Section Cr.P.C. This is liable to be dismissed. Even otherwise,

the proceeding will have to be closed in view of the report submitted by the learned Magistrate that the case is now under execution process. It is reported by the learned Magistrate that the case file could not be traced out for sometime, and that earnest efforts will be made to enforce the sentence.

This report is recorded, and this Crl.M.C. is closed.

Sd/-

P. UBAID, JUDGE

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