

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

Crl.MC.No. 5873 of 2015 ()

CRMP 1868/2015 of SESSIONS COURT,KOLLAM
ST 300/2011 of J.M.F.C. - III, KOLLAM

PETITIONER(S):

MANIYAN, S/O RAMAN THAMARAKUZH VEDU,
KURUMANDAL CHERRY, MUKHATHALA (PO), KOLLAM

BY ADV. SRI.SYAM J SAM

RESPONDENT(S):

1. STATE OF KERALA REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
2. HARIHARAN PILLAI, THIRUVONAM SAGARA NAGAR ULIYAKOVIL,
KOLLAM- 691 001

BY PUBLIC PROSECUTOR SMT.M.T. SHEEBA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CrI.MC.No. 5873 of 2015 ()

APPENDIX

ANNEXURES

A1- THE TRUE COPY OF THE JUDGMENT IN ST.300 OF 2011 ON THE FILE OF THE JFMC III, KOLLAM

A2- TRUE COPY OF THE ORDER IN CRL.M.P. 1868 OF 2015 IN CRIMINAL APPEAL, 129 OF 2015 PASSED BY SESSIONS JUDGE, KOLLAM

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 5873 of 2015

Dated 21st August, 2015

ORDER

1. The limited prayer in this petition, filed u/s 482 of the Code of Criminal Procedure, is to modify condition No.1 of the order passed by the learned Sessions Judge, Kollam, in Crl.M.P.1868 of 2015 in Crl.A.129 of 2015 .

2. Crl.A.129 of 2015 was filed challenging the judgment dated 16.2.2015 in S.T.300 of 2011 on the files of the Judicial Magistrate of First Class-III, Kollam. The petitioner was convicted and sentenced to undergo simple imprisonment for four months and to pay a fine of Rs.1,40,500/- including interest at the rate of 9% per annum. In default of payment of fine, petitioner was directed to undergo simple imprisonment for three

months more. The above judgement was challenged and while admitting the matter, the learned Sessions Judge, Kollam, had directed the petitioner to deposit a sum of Rs.14,000/- , being a portion of the fine amount awarded, within 30 days from 10.7.2015.

3. Various reasons are stated by the learned counsel to bring home the point that his failure to comply with the aforesaid condition was not deliberate. It appears from the argument of the learned counsel that the petitioner was incapacitated from raising the said amount within the period stipulated. The learned counsel, seeks for a modification of the order and submits that he would duly comply with the same if some more time is granted .

4. In view of the fervent prayer made by the learned counsel, the petitioner is granted three weeks' time

from the date of this order to comply with condition No.1 in Annexure-A2 order of the learned Sessions Judge. If the same is done, it shall be deemed as sufficient compliance of condition No.1 in Crl.M.P.1868 of 2015 in Crl.A.129 of 2015.

Crl.M.C is disposed of as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//