

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

CrI.MC.No. 4995 of 2013 ()

ST.NO. 1769/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PALAKKAD

PETITIONER/ACCUSED :

**SIBI PRIYADARSHINI, AGED 32 YEARS
D/O LATE C.MADHAVAN, PATTARUMADITHIL HOUSE
KUMARAMPUTHUR, MANNARKKAD.**

**BY ADVS.SRI.I.DINESH MENON
SRI.L.RAJESH NARAYAN IYER**

RESPONDENTS/COMPLAINANT & STATE :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. MUTHOOT LEASING & FINANCE LTD.,
2ND FLOOR, OPP. SARITHA THEATRE COMPLEX,
BANERJEE ROAD, COCHIN
REP. BY ITS BUSINESS EXECUTIVE V. SASIDHARAN
S/O. LATE PRABHAKARAN NAIR, DEVIKRIPA, PARALI
PALAKKAD-682 018.**

**R1 BY PUBLIC PROSECUTOR SMT.P. MAYA
R2 BY ADV. SRI.S.NIDHEESH**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 13-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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Crl.MC.No. 4995 of 2013 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE I: TRUE COPY OF THE JUDGMENT DATED 4.1.2013 IN
CRL.R.PNO.25/2013.**

**ANNEXURE II: TRUE COPY OF THE RECEIPT DATED 31.8.2013, 20.7.2013 AND
30.8.2013.**

ANNEXURE III: TRUE COPY OF THE CERTIFICATE DATED 7.9.2013.

RESPONDENT(S)' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 4995 of 2013

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Dated this the 13th day of October, 2015

ORDER

In a case for the offence under Section 138 of the Negotiable Instruments Act, the petitioner, who is the accused, was convicted and sentenced. The same were challenged in appeal unsuccessfully. Thereafter, a Criminal Revision Petition was filed before this Court as Crl.R.P.No.25/2013. The Criminal Revision Petition was disposed of by this Court by modifying the sentence. The imprisonment imposed was reduced to imprisonment till rising of the court, with an order to pay an amount of ₹2,90,000/- as compensation under Section 357(3) Cr.P.C. It has to be noted that the cheque amount is ₹2,09,761/- only. Even though this Court has directed the petitioner to pay the said amount of compensation within 45 days from

the date of judgment, ie, 04.01.2013, the petitioner could not pay the amount in time.

2. It seems that the petitioner has paid the entire amounts to the complainant through Annexure -II receipts dated 31.08.2013, 20.07.2013 and 30.08.2013 by way of amounts of ₹15,000/-, ₹2,00,000/- and ₹75,000/- respectively.

3. Even though it was belatedly, the amounts have been paid. Therefore, it seems that the matter requires a lenient view. Matters being so, it has to be held that the petitioner has complied with the direction to pay the compensation. The delay in making the said payment is condoned.

4. In the result, this Crl.M.C is allowed and it is found that the petitioner has complied with the direction to pay the amount of compensation of ₹2,90,000/-. The petitioner shall appear before the Judicial First Class Magistrate's Court-I, Palakkad in S.T No.1769/2009 on 30.10.2015, to

undergo the sentence of imprisonment till the rising of the court.

The learned counsel for the petitioner has pointed out that as a pre-condition for bail, the court below had directed the petitioner to deposit an amount of ₹70,000/- before the court below. It seems that on 26.05.2012, the petitioner had deposited an amount of ₹70,000/- before the court below. The court below shall return the said amount to the petitioner expeditiously.

Sd/-
B.KEMAL PASHA, JUDGE

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