

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Crl.MC.No. 7006 of 2015 ()

STC.NO. 705/2006 OF ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

PETITIONER/ACCUSED :

**M.LASITHA,
W/O.MANJAKKAL SAJEEV KRISHNAN,
'RAMAS', P.O THOTTADA, KANNUR DISTRICT.**

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S)/STATE & COMPLAINANT :

**1. A.C.PRABHAKARAN,
S/O.KUNHIKRISHNAN NAMBIAR, 'LEELA BHAVAN',
P.O.THOTTADA, KANNUR -670 007.**

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

**R1 BY ADV. SMT.MARY RANZOM LOUIZ
R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 7006 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1. COPY OF THE JUDGMENT IN CRL.R.P.NO. 2096/12 ON THE FILE OF
THIS HON'BLE HIGH COURT OF KERALA. DATED 3/10/2012**

ANNEX A2. COPY OF THE RECEIPT ISSUED BY THE COMPLAINANT.

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

B.KEMAL PASHA, J.

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Crl.M.C. No. 7006 of 2015

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Dated this the 30th day of October, 2015

ORDER

The petitioner was the accused in S.T. No.705 of 2006 of the Additional Chief Judicial Magistrate's Court, Thalassery, for the offence under Section 138 of the Negotiable Instruments Act. She was convicted and sentenced. The conviction and sentence were challenged by the petitioner before the Sessions Court through an appeal. The appeal was dismissed. The petitioner again challenged the matter through Crl.R.P.No.2096 of 2012 before this Court. The revision was disposed of by this Court ordering the petitioner to pay a compensation of ₹52,000/-, being the cheque amount to the complainant and, to

undergo imprisonment till the rising of court. Time up to 08.01.2013 was granted for the same.

2. According to the petitioner, she could not raise the amount in time and therefore, she could not appear before the court below on 08.01.2013. She raised the amount and paid it directly to the petitioner as she was ordered to pay the compensation to the 1st respondent herein. Now the request of the petitioner is to direct the court below to permit the petitioner to undergo imprisonment till the rising of court below, imposed on her.

3. When the amount of compensation has been paid and the same has been received by the 1st respondent herein without any complaint, the petitioner should not once again deposit the amount of compensation before the court below. The only lapse on the part of the petitioner is that she could not appear before the court below in time.

In the result, this Crl.M.C. is allowed and the petitioner is

directed to appear before the court below on 12.11.2015 to undergo the sentence of imprisonment till the rising of court below. The court below shall permit the petitioner to undergo imprisonment till the rising of court below on that day itself and shall treat the matter as closed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/31/10/15

// True Copy //

P.A. To Judge