

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

Crl.MC.No. 7782 of 2015

CC 425/1998 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, NORTH PARAVUR.
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PETITIONER/ACCUSED:

**PRADEEP KUMAR, S/O. NALINAKSHAN,
RESIDING AT NALINA SADANAM,
CHIRAKKARA P.O., KALLUVATHUKKAL, KOLLAM.**

BY ADV. SRI.M.TRIPTEN

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. JAYAPRAKASH,
RESIDING AT AMBADI, PUTHENKULAM P.O.,
BHOOHAKULAM, KOLLAM.**

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' ANNEXURES:

- ANNEXURE A1 - TRUE PHOTOCOPY OF THE ORDER DT. 08.10.2002 OF THE JUDICIAL 1ST CLASS MAGISTRATE COURT, PARAVOOR.
- ANNEXURE A2 - TRUE PHOTOCOPY OF THE ORDER DT. 25.3.2008 IN CRL.R.P NO. 941/2008 OF THIS HON'BLE COURT.
- ANNEXURE A3 - TRUE PHOTOCOPY OF THE PETITION BY THE 2ND RESPONDENT FOR RECEIVING THE AMOUNT OF RS.2,00,000/-.
- ANNEXURE A4 - TRUE PHOTOCOPY OF THE TREATMENT RECORDS OF THE PETITIONER ISSUED FROM BISHOP BENZIGER HOSPITAL, QUILON.
- ANNEXURE A5 - TRUE PHOTOCOPY OF THE SAID PETITION SUBMITTED BY PETITIONER BEFORE THE GOVERNOR OF KERALA DT. 04.12.2015.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

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B.KEMAL PASHA, J.

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Crl.M.C. No. 7782 of 2015

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Dated this the 11th day of December, 2015

O R D E R

Heard the learned counsel for the petitioner.

This Crl.M.C is not maintainable. The petitioner was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act. The same was challenged in appeal. The appeal failed. The matter was again challenged before this Court in criminal revision. The revision was also dismissed by upholding the conviction and sentence. Thereafter, the petitioner paid the entire amount of ₹2,00,000/- due to the complainant.

2. From 04.12.2015 onwards, the petitioner is undergoing imprisonment, as he has to undergo

imprisonment for one month as ordered by this Court. The petitioner has filed Annexure-A5 petition before the Honorable Governor of Kerala, for seeking the suspension of sentence. Evidently, it is not an application filed under Section 432 Cr.P.C; whereas it is a petition filed under Article 161 of the Constitution of India. Whatever it be, the petitioner has to undergo imprisonment for one month in the matter at present. There is absolutely nothing to interfere in it. This Crl.M.C is devoid of merits and is only to be dismissed and I do so.

In the result, this Crl.M.C is dismissed.

Sd/-
B.KEMAL PASHA, JUDGE

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