

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Crl.MC.No. 7360 of 2014 ()

PETITIONER(S)/PETITIONER/ACCUSED:

**HAKKIM V.M AGED 37 YEARS
S/O. MAJEED, VESHAKKARAN VEEDU, KARIYAKUNNU
PUTHUKKODE (POST), ALATHUR TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.P.K.MOHANAN(PALAKKAD)

RESPONDENT(S)/RESPONDENTS/COMPLAINANT AND STATE:

**1. K.T. IYPE, AGED 57 YEARS
S/O THARU, KOLADI VEEDU, PAZHAYACHANTHAPURA
VADAKKANCHERRY AMSOM, ALATHUR TALUK
P.O. WADAKKANCHERRY, PALAKKAD-678 683.**

**2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

R BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 14-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 7360 of 2014 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE I: A TRUE COPY OF THE JUDGMENT OF J.F.C.M. ALATHUR IN S.T.2716/13
DATED 27.10.2014.**

**ANNEXURE II: A COPY OF THE ORDDER OF THE ADDITIONAL SESSIONS JUDGE,
PALAKKAD IN CRL.M.P.NO.3625/14 IN CRA.NO.395/14 DATED 21.11.2014.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 7360 of 2014

Dated this the 14th day of January, 2015.

O R D E R

The petitioner herein stands convicted and sentenced under Section 138 of the Negotiable Instruments act. Challenging the conviction and sentence he brought appeal before the Court of Session, Palakkad as Crl. A 395/2014. Along with the appeal he also filed Crl.M.P 3625/2014 for suspension of the sentence. The learned Additional Sessions Judge, Palakkad ordered suspension of sentence and bail, on conditions. One condition is that the petitioner shall make deposit of ¼th of the amount of compensation ordered by the trial court. The total amount involved is Rs.12,25,000/-. The petitioner is aggrieved by the condition imposed by the learned Appellant Judge, and this condition is sought to be cancelled under Section 482 Cr.P.C. On hearing the learned counsel and on a perusal of the materials I find that cancellation of the condition as such cannot be ordered by this court under Section 482 Cr.P.C. It is true that the petitioner has a grievance regarding the correct amount due, and also regarding the enforcement of the cheque in question. Anyway, it is appropriate

that he be directed to deposit a reasonable fraction of the amount of compensation as a condition for bail on suspension of sentence. In the particular facts and circumstances, I feel that a direction to deposit 1/10th of the amount will be just and appropriate, and to that extent the impugned order can be modified.

In the result, this Crl.M.C is allowed in part. Accordingly, the impugned order under challenge will stand modified to the effect that the petitioner shall deposit 1/10th of the amount of compensation awarded by the trial court, as a condition for suspension of sentence ordered by the appellate court on Crl.M.P 3625/2014.

P.UBAID,
JUDGE