

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

OP(Cr1.).No. 48 of 2015 (Q)

AGAINST S.T NO.1023/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT II, KANJIRAPPALLY

PETITIONER:

ANILKUMR V.B., AGED 42 YEARS,
S/O.GOPALAN NAIR, VAYALUMKAL HOUSE, ADVOCATE CLERK,
C/O. THOMAS KURIAN,
NEAR KANJIRAPPALLY MUNSIFF COURT,
PONKUNNAM P.O., CHIRAKKADAVU VILLAGE.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS:

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

2. JACKSON THOMAS,
AGED 45, S/O. THOMAS, UTHIRAKKULAM HOUSE,
PROPOSE P.O., NERCHAPPARA BHAGOM,
ERUMELY SOUTH VILLAGE, PIN-686509.

BY GOVERNMENT PLEADER SMT.S.HYMA

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(Cr1.).No. 48 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBIT:

EXHIBIT P1: COPY OF THE ORDER DATED 29/08/2014 IN S.T. NO.
1023/14 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
KANJIRAPPALLY

RESPONDENTS' EXHIBITS:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

O.P(Crl) No.48 of 2015

Dated this the 18th day of February, 2015

J U D G M E N T

The petitioner herein is the first accused in S.T No.1023/2014 of the Judicial First Class Magistrate Court II, Kanjurappally. In the said prosecution brought under Section 138 of the Negotiable Instruments Act, by the 2nd respondent herein, the petitioner opted plea bargaining. Accordingly, the parties submitted a mutually satisfactory disposition. It was accepted by the Court. On 29.8.2014 the learned Magistrate pronounced judgment in terms of the mutually satisfactory disposition directing the petitioner to pay a compensation of ₹1,50,000/- to the complainant. As regards sentence portion, the learned Magistrate found that an admonition would suffice. Accordingly, the petitioner was admonished, and was directed to pay the compensation within three months from the date of judgment. Now the petitioner is before this Court under Article 227 of the Constitution of India. He doesn't have a case that the mutually satisfactory disposition was not voluntarily made by him and he doesn't challenge the judgment as such. He is

prepared to make payment of compensation, but he wants some time to make payment.

2. The 2nd respondent remained absent inspite of notice. It appears that he has no objection in the matter.

3. On hearing the learned counsel and on a perusal of the judgment, I find that the time for payment fixed by the court below can be extended by this Court reasonably in exercise of the powers under Article 227 of the Constitution of India.

In the result, this Original Petition is allowed. The time fixed by the court below by judgment dated 29.8.2014 in S.T No.1023/2014 for making payment of compensation to the 2nd respondent, will stand extended till 31.3.2015.

**P.UBAID
JUDGE**

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