

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

OP(Crl.).No. 107 of 2015 ()

CC NO. 234/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, ERATTUPETTA

PETITIONER/ACCUSED :

**BONNY V. THOMAS,
S/O. THOMAS, AGED 40 YEARS
VELLOOKUNNEL HOUSE, POONJAR P.O.
ERATUPETTA, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMAR
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES**

RESPONDENT/COMPLAINANT & STATE :

- 1. STATE OF KERALA
REP. BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682031.**
- 2. THE KOTTAYAM DISTRICT CO-OPERATIVE BANK,
ERATTUPETTA BRANCH, REP. BY ITS MANAGER MARYKUNJU IGNATIUS
AGED 53 YEARS, W/O.BABU SEBASTIAN, MANNARATHU HOUSE
CHETTHIMATTOM KARA, LALAM VILLAGE, PALA.**

**R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE
R2 BY ADV. SRI.SUNIL CYRIAC, SC**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 29-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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OP(Crl.).No. 107 of 2015 ()

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1: TRUE COPY OF COMPLAINT IN C.C.NO. 234 OF 2013.

**EXHIBIT P2: TRUE COPY OF PETITION DATED 30.6.2014 ALONG WITH AFFIDAVIT
AND MUTUALLY SATISFACTORY DISPOSITION.**

**EXHIBIT P3: COPY OF THE ORDER DTD. 30.6.2014 IN CC NO. 234/2013 OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, ERATTUPETTA.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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ALEXANDER THOMAS, J.

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O.P.(Crl.) No.107 of 2015

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Dated this the 29th day of May, 2015

J U D G M E N T

The prayers in this OP(Crl.) are as follows:

- i) an order or direction extending the time by a period of 6 months for effecting the payment as per terms of settlement arrived as per Ext.P2, before the Judicial First Class Magistrate Court, Erattupetta in C.C No.234 of 2013.
- ii) to issue such other relief and costs as this Hon'ble Court may deem fit and proper to issue in the nature and circumstances of the case.

2. Heard, Sri.George Mathew learned counsel appearing for the petitioner and Sri.Sunil Cyriac learned Standing Counsel appearing for the 2nd respondent Kottayam District Co-operative Bank, and the learned Public Prosecutor appearing for the 1st respondent State of Kerala.

3. Sri.George Mathew learned counsel for the petitioner submits that the only relief sought for by him is that the petitioner

should be given time till 31/10/2015 to clear off the entire amount of Rs.1.17 Lakhs covered by Ext.P3 plea bargaining order rendered on 30/06/2014 in CC 234/2013 on the file of Judicial First Class Magistrate Court, Erattupetta. This Court had earlier requested the contesting respondent Bank to consider the limited prayer of the petitioner. In view of the limited prayer sought for by the petitioner, without going by the merits of the case, it is ordered in the interest of justice that the petitioner shall pay an amount of Rs.25,000/- on or before 30/06/2015 to the respondent bank and the balance amount in respect of the aforementioned due amount of Rs.1.17 lakhs shall be paid to the respondent bank in suitable monthly instalments, at any rate the entire dues should be cleared off on or before 30/09/2015.

4. It is made clear that no further extension of time will be granted by this Court. Subject to the condition that the petitioner pays an amount of Rs.25,000/- to the respondent Bank on or before 30/06/2015, it is further ordered that all further coercive steps taken against the petitioner in pursuance of Ext.P3 order will be kept in abeyance.

With these observations and directions this O.P.(Crl.)finally

O.P.(Crl.) No.107 of 2015

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stands disposed of.

Sd/-ALEXANDER THOMAS, JUDGE

MJL