

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

OP(Crl.).No. 302 of 2015 (Q)

C.C. NO.3297/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, THRISSUR.

.....

PETITIONER(S):

**SIJI JAISON, W/O JAISON,
AGED 27 YEARS, CHULLIKKADAN HOUSE,
KURICHIKKARA DESOM, KURICHIKKARA VILLAGE,
THRISSUR TALUK, THRISSUR DISTRICT, PIN:680 028.**

**BY ADVS.SRI.PAUL JACOB,
SRI.K.R.MURALI,
SRI.PEARL K.DAVIS,
SRI.M.A.ANZAR,
SRI.K.A.HASHIM.**

RESPONDENT(S):

- 1. MR.M.B. CHANDRASEKHARAN,
S/O. BALAN, MANGATTUCHALIL HOUSE,
KURICHIKKARA DESOM, KURICHIKKARA VILLAGE,
MANAGING DIRECTOR, M/S. BHAGHODHAYA KURIES (P) LTD.,
KURICHIKKARA VILLAGE, MATTAPURAM,
THRISSUR DISTRICT, PIN:680 028.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.**

R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 16-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

OP(Crl.).No. 302 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS:-

**EXHIBIT P1: TRUE COPY OF THE ORDER IN CRL.MP.2568/15 IN CRL.APPL.178/15
OF SESSIONS COURT, TRICHUR DATED 12.08.2015.**

**EXHIBIT P2: TRUE COPY OF THE JUDGMENT IN CC.3297/2012 OF JFCM-I,
THRISSUR DATED 02.07.2014.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

.....
O.P.(Crl) No. 302 of 2015

.....
Dated this the 16th day of September, 2015

J U D G M E N T

Heard the learned counsel for the petitioner.

2. Through Ext.P1 order, for condoning the delay in filing the appeal, the court below has imposed a condition that the petitioner should deposit an amount of ₹75,000/- within one month from 12.08.2015. According to the petitioner, it is not possible for her to raise such an amount at present. The learned counsel for the petitioner seeks for reduction of the amount ordered to be deposited.

3. The matter relates to an offence under Section 138 of the Negotiable Instruments Act. The cheque amount itself is ₹82,565/-. It seems that the condition imposed by the court below for condoning the delay is too harsh and

therefore, the amount ordered to be deposited is liable to be reduced. The petitioner shall deposit an amount of ₹35,000/- out of the amount ordered by the trial court, within 20 days from today, failing which Crl.M.P.No.2568/2015 in Crl.A.178/2015 of the court below would be treated as dismissed.

With the above said direction, this Original Petition is disposed of.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge