

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 28627 of 2015 (C)

PETITIONER :

**JYOTHY E.P., AGED 43 YEARS,
S/O. PANKAJAKSHAPILLA, EDAKKARA HOUSE,
VENGATHANOM P.O., PARTHODU, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.LIJI.J.VADAKEDOM
SMT.REXY ELIZABETH THOMAS
SRI.RAJEEV JYOTHISH GEORGE**

RESPONDENTS :

**1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**2. RAJESH KUMAR M.M.
S/O. MURALEEDHARAMENON, MOOLAKUNNEL HOUE,
KVMS BHAGOM, PONKUNNAM P.O - 686 506.**

**R1 BY GOVERNMENT PLEADER SMT. MAYA
R2 BY ADVS. SRI.SHAJI THOMAS
SRI.B.RAJESH (KOTTAYAM)**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF THE ORDER DATED 27/04/2015 IN S.T 2220/14 BEFORE THE JFCM COURT-II, KANJIRAPALLY.

EXHIBIT-P2: TRUE COPY OF THE MEMO FILED BY THE PETITIONER BEFORE THE JFCM COURT -II, KANJIRAPALLY IN S.T 2220/2014 COUNTER SIGNED BY THE COUNSEL FOR THE COMPLAINANT SHOWING THE RECEIPT OF RS.1,50,000/-

EXHIBIT-P2(A): TRUE COPY OF THE MEMO FILED BY THE PETITIONER BEFORE THE JFCM COURT-II, KANJIRAPALLY IN S.T 2220/2014 COUNTER SIGNED BY THE COUNSEL FOR THE COMPLAINANT SHOWING THE RECEIPT OF RS.33,000/-

EXHIBIT-P3: TRUE COPY OF THE JUDGMENT DATED 15/07/2014 IN W.P(C) 14059/2014 BEFORE THIS HONOURABLE COURT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

B. KEMAL PASHA, J.

.....
W.P.(C) No.28627 of 2015 C
.....

Dated this the 13th day of October, 2015

J U D G M E N T

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It seems that through plea bargaining, the court below has passed Ext.P1 order finding the petitioner guilty of the offence under Section 138 of the Negotiable Instruments Act, and convicted and sentenced her. There are reasons to show that proper procedure was not followed by the court below in the matter.

2. The request of the petitioner is to get the time for payment of fine extended. The said request cannot be entertained by this Court.

With liberty to the petitioner to challenge the procedure followed by the court below to pass Ext.P1 order and the legality of Ext.P1 order, this writ petition is disposed of.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/13/10

// True Copy //
PA to Judge