

(2024) 06 KL CK 0102

In the High Court Of Kerala

Case No : Original Petition (Crl.) No. 461 Of 2024

Bhargavi Unni

APPELLANT

Vs

Deepa Jayakumar

RESPONDENT

Date of Decision : 18-06-2024

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2024) 06 KL CK 0102

Hon'ble Judges : K.Babu, J

Bench : Single Bench

Advocate : G.Sreekumar, G.Sudheer

Final Decision : Disposed Of

Judgement

K.Babu, J

1. The prayers in the Original Petition are as follows:-

(i) Issue an appropriate order or direction commanding the District and Sessions Court, Pathanamthitta which is seized of the matter Ext P2 ,

P3 and P4 and to consider those applications and dispose off the same in a time bound manner and till such time all coercive action pursuant to Ext P1 is required to be stayed in the interest of justice.

(ii) To exempt the petitioner from producing the translation of the documents which are in vernacular language and

(iii) To pass any such or further orders as the petitioner may seek and this Hon'ble Court deem fit to grant.

2. The petitioner, a doctor by profession, is the accused in C.C No.248 of 2004 on the file of the Judicial First Class Magistrate Court, Thriuvalla. The Trial Court has convicted the petitioner under Section 138 of the NI Act. The petitioner filed appeal before the Sessions Court, Pathanamthitta along with a petition to

condone the delay in filing the appeal. The learned Sessions Judge heard the application seeking condonation of delay and reserved the matter for orders. In the meantime, the Trial Court issued non-bailable warrant against the petitioner.

3. The learned counsel for the petitioner submits that execution of non-bailable warrant during the pendency of the application seeking condonation of delay would cause substantial injustice to the petitioner who is a lady.

4. Having regard to the circumstances brought out, the execution of non-bailable warrant issued against the petitioner by the Judicial First Class Magistrate Court, Thriuvalla shall stand deferred till the disposal of the application seeking condonation of delay filed by the petitioner in CRA No.4 of 2023 before the District and Sessions Court, Pathanamthitta.

This Original Petition is disposed of.