
(2012) 10 KL CK 0108

In the High Court Of Kerala

Case No : Criminal Rev. Petition No. 1910 of 2012 (C)

M.S. Muthukumara Swamy, Sidha Doctor, New No. 2, Bharath Nagar, 3rd Street, 2nd Floor, Santhivilla, Chennai, T. Nagar APPELLANT

Vs

The State of Kerala and Dr. Sheerapani RESPONDENT

Date of Decision : 08-10-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 357(1)
Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2012) 10 KL CK 0108

Hon'ble Judges : S. Siri Jagan, J

Bench : Single Bench

Advocate : Vakkom N. Vijayan, Smt. V. Renju and Sri. P. Aniyar, for the Appellant; Seena Ramakrishnan, Public Prosecutor for R1 and Sri. J. Jaya Kumar, for R2, for the Respondent

Judgement

S. Siri Jagan, J.—The petitioner is the accused in C.C. No. 1017/2005 before the Judicial First Class Magistrate's Court-I, Attingal. The

prosecution was one u/s 138 of the Negotiable Instruments Act. The Magistrate convicted the petitioner and sentenced him to undergo simple

imprisonment for one year and to pay a fine of Rs. 5,00,000/- with a default sentence of three months" simple imprisonment. The compensation

was directed to be paid to the 2nd respondent u/s 357(1) of the Cr.P.C. In appeal, the Sessions Judge, Thiruvananthapuram confirmed the

conviction. But the sentence was modified to one till rising of the court maintaining the fine amount as ordered by the court below. Those judgments

are under challenge in this Criminal Revision Petition. The learned counsel for the petitioner now submits that the petitioner only wants time to pay

the compensation amount. Having considered the matter, I am inclined to grant

the petitioner four months" time to pay the fine amount.

Accordingly, this Criminal Revision Petition is disposed of with a direction to the Magistrate to keep the execution of the sentence in abeyance for

a period of four months. The petitioner shall appear before the Magistrate after paying the fine amount for undergoing the sentence of imprisonment

on 11.2.2013. The amounts already paid by the petitioner shall be given due credit for.