

(2024) 05 KL CK 0166

In the High Court Of Kerala

Case No : Original Petition (Crl).No.409 of 2024

Rajitha

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 28-05-2024

Acts Referred:

Constitution of India, 1950 — Article 227
Code of Criminal Procedure, 1973 — Section 357(3)
Negotiable Instruments Act, 1881 — Section 138

Citation : (2024) 05 KL CK 0166

Hon'ble Judges : K.Babu, J

Bench : Single Bench

Advocate : E.Vijin Karthik, Pooja P., Adhiena S, G.Sudheer

Final Decision : Disposed Of

Judgement

K.Babu, J

1. The prayers in this Original Petition (Criminal) filed under Article 227 of the Constitution of India are as follows:

"(i) To keep in abeyance the warrant dated 23-03-2024 issued by the Hon'ble Judicial First Class Magistrate Court-No I, Thrissur in S.T. No. 1259/2019 against the petitioner, for period of four months in the interest of justice.

(ii) To direct the Hon'ble Judicial First Class Magistrate Court-No I, Thrissur to recall the warrant issued against the petitioner.

(iii) To grant four months period for the petitioner to make payment to second respondent as undertaken by him.

(iv) Grant such other reliefs as this Hon'ble Court may deem just and proper in the interest of justice, including costs."

2. The petitioner is the accused in S.T No.1259/2019 on the file of the Judicial First Class Magistrate Court-I, Thrissur. As per Ext.P3 judgment, the learned

Magistrate convicted the petitioner under Section 138 of the Negotiable Instruments Act and sentenced her to undergo imprisonment till rising of the Court and pay Rs.50,000/- to the complainant (respondent No.2) under Section 357(3) Cr.PC.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted that she has already paid Rs.20,000/- to the complainant on 22.02.2024 and as her daughter had been admitted in the hospital, she could not arrange money to comply with the directions in the judgment.

5. The learned counsel for the petitioner submitted that due to the failure on the part of the petitioner to make payment, the Trial Court has issued Non-bailable Warrant against her. It is also submitted that the petitioner is prepared to pay the balance amount on or before 29.06.2024.

6. Exhibit P4 would show that the petitioner has paid Rs.20,000/- to the complainant on 22.02.2024 and Ext.P5 supports the case of the petitioner that her daughter had been critically admitted in the hospital.

Having regard to the circumstances brought out, the Original Petition (Criminal) is disposed of with the following directions:

(i) The petitioner shall surrender before the Judicial First Class Magistrate Court-I, Thrissur on 29.06.2024 to undergo the sentence.

(ii) She shall pay the amount due to the complainant (respondent No.2) on or before 29.06.2024.

(iii) The Non-bailable Warrant issued against the petitioner shall be kept in abeyance till 29.06.2024.