
(2012) 09 KL CK 0033
In the High Court Of Kerala
Case No : Criminal R.P. No. 4484 of 2006

Seyad Khan

APPELLANT

Vs

State of Kerala and Jyothi Prasad

RESPONDENT

Date of Decision : 14-09-2012

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2012) 09 KL CK 0033

Hon'ble Judges : S. Siri Jagan, J

Bench : Single Bench

Advocate : V. Philip Mathew, for the Appellant; Viju Thomas, by Advocate - Public Prosecutor, Sri. O.V. Maniprasad, by Advocate and Sri. George G. Poothicote, by Advocate, for the Respondent

Judgement

S. Siri Jagan

1. The petitioner is the accused in C.C.No.991/2004 on the files of the Judicial First Class Magistrate-I, Pathanamthitta. The prosecution is one u/s 138 of the Negotiable Instruments Act. The Magistrate convicted the petitioner and sentenced him to undergo simple imprisonment for six months. He was also directed to pay Rs. 3,25,000/- (Rupees three lakh twenty five thousand only) as compensation to the 2nd respondent with a default sentence of three months. In Criminal Appeal No. 347/2005, the Additional Sessions Judge, Pathanamthitta modified the substantial sentence to one of imprisonment till the rising of the court retaining the other sentence. The petitioner is challenging those judgments of the lower courts. The learned counsel for the petitioner now submits that the petitioner does not wish to contest the matter on merits but, confines relief for time to pay the compensation amount. I have heard the learned counsel for the 2nd respondent also, who opposes the same.

2. Having heard both sides, I am inclined to grant some time to the petitioner to pay the compensation amount. Accordingly, the Criminal Revision Petition is disposed of as follows:

The Magistrate shall keep the execution of the sentence in abeyance for a period of four months. The petitioner shall appear before the Magistrate for undergoing the sentence of imprisonment on 21.1.2013, after paying the compensation amount. Needless to say, due adjustment of any amounts already paid shall be made in respect of the amount payable.