

Joy @ Mathai Vs. State of Kerala Rep by the Public Prosecutor

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Court : Kerala

Decided On : Jan-24-2014

Judge : Honourable Mr.Justice Harun-Ul-Rashid

Appellant : Joy @ Mathai

Respondent : State of Kerala Rep by the Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE HARUN-UL-RASHID FRIDAY, THE 24TH DAY OF JANUARY 2014 4TH MAGHA, 1935 CrI.MC.No. 762 of 2014 () ----- CRL.M.P.NO.3809/2013 IN CRL.A. NO. 426/2013 OF SESSIONS COURT, KOTTAYAM ----- PETITIONER : ----- JOY @ MATHAI, AGED 60 YEARS S/O.ABRAHAM, KRATTAMAKIL HOUSE, PARAPPALLI ONAKKOR P.O., PAMBAKUDA, ERNAKULAM DISTRICT. BY ADV. SRI.T.RAJESH RESPONDENTS : ----- 1. STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, COCHIN - 31.

2. MATHEW S/O.CHACKO, MADATHIKUNNEL CHIRAPURATH, ARUNNOOTTIMANGALAM.P.O., MULAKKULAM, VAIKOM TALUK, PIN - 686 604. R1 BY PUBLIC PROSECUTOR SMT. S. HYMA THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-01-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn ...2/- CrI.MC.No. 762 of 2014 ()

----- APPENDIX PETITIONERS' ANNEXURES :
----- ANNEXURE I- A TRUE COPY OF THE
COMPLAINT IN S.T.NO.1 OF 2013 OF THE FILE OF THE JUDICIAL FIRST
CLASS MAGISTRATE COURT, VAIKOM. ANNEXURE II- A TRUE COPY OF
THE

ORDER

IN CMP NO.853/2013 IN S.T.NO.1 OF 2013 ANNEXURE III- A TRUE COPY OF
THE

ORDER

PASSED BY LEARNED MAGISTRATE CONVICTING THE PETITIONER.
ANNEXURE IV- A TRUE COPY OF THE ATTACHMENT PETITION IN
O.S.NO.119/2013 FILED AS AI.A.NO.949/2013. ANNEXURE V- A TRUE COPY
OF ATTACHMENT

ORDER

PASSED BY THE LEARNED SUB JUDGE MUVATTUPUZHA. ANNEXURE VI- A
TRUE COPY OF THE APPEAL MEMORANDUM SUBMITTED BEFORE THE
SESSIONS COURT KOTTAYAM. ANNEXURE VII- A TRUE COPY OF THE

ORDER

IN CRL.M.P.NO.3809/2013 IN CRL.NO.426/2013 DATED 20.12.2013 OF THE
LEARNED SESSIONS JUDGE, KOTTAYAM. ANNEXURE VIII- A TRUE COPY
OF THE MEDICAL CERTIFICATE ISSUED BY THE LAKESHORE HOSPITAL
DATED 4.1.2014. ANNEXURE IX- THE TRUE COPY OF THE APPLICATION
SUBMITTED BY THE PETITIONER FOR LIFTING THE CONDITION
REGARDING THE DEPOSITED AMOUNT. ANNEXURE X- A TRUE COPY OF
THE ADVANCE PETITION SUBMITTED BY THE PETITIONER.
RESPONDENT(S)' EXHIBITS : NIL -----

//TRUE COPY// P.A. TO JUDGE Mn HARUN-UL-RASHID, J.

----- Crl.M.C. No.762 of 2014 ----- Dated this the
24th day of January 2014.

ORDER

Petitioner is the appellant in Crl.Appeal No. 426/2013 on the file of the Court of Sessions, Kottayam. The appellate court suspended the sentence passed in S.T.No. 1/2013 on the file of the Judicial First Class Magistrate Court, Vaikom and released him on bail on executing a bond for Rs. 25,000/- with two solvent sureties each for the like sum to the satisfaction of the trial court and to deposit 1/4th compensation amount within one month. Aggrieved by the order copy of which is marked as Annexure VII, the appellant preferred this Crl.M.C petition seeking intervention of this Court.

2. It is submitted that the direction to deposit 1/4th compensation amount is causing serious prejudice and irreparable loss to the petitioner. According to him, the condition is unreasonable.

3. It is submitted that the petitioner's wife is under treatment and that his property is under attachment in the suit filed by the complainant and that the petitioner is unable to deposit 1/4th compensation amount as ordered. In the circumstance, the Crl.M.C. No.762/2014 :

2. : petitioner pray to lift the condition to the extent the order imposed the condition of deposit of 1/4th of compensation amount.

4. Having regard to the facts and circumstance of the case, this Court is inclined to modify the condition to deposit 1/4th of the compensation amount. Accordingly, the condition to the extent the petitioner shall deposit 1/4th of the compensation amount is modified. The amount to be deposited shall be 1/5th of the compensation amount. The said amount shall be deposited within a period of one month from today. Petitioner is at liberty to move the court below for speedy disposal of the appeal. The Crl.M.C is disposed of as above. Sd/- HARUN-UL-RASHID, Judge. AL/- True copy P.A to Judge

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