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Ajith vs State of Kerala

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/4205/2023

Appellant : AJITH

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN THURSDAY,THE 30TH DAY OF NOVEMBER 2023 / 9TH AGRAHAYANA, 1945 CRL.MC NO. 4205 OF 2023 CRA 2/2023 OF ADDITIONAL DISTRICT COURT (ADHOC)-IV, PETITIONER/ACCUSED: AJITH AGED 52 YEARS S/O. ALOYSIUS, AGED 52 YEARS, VARUVILA VEEDU USHUS, THIRUPURATHUR, PARUTHIVILA, THIRUPURAM, NEYYATTINKARA, THIRUVANANTHAPURAM, PIN - 695121 BY ADVS. K.BIJU K.R.SAJITH RESPONDENTS/RESPONDENT/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 STATION HOUSE

OFFICER, MEDICAL COLLEGE POLICE STATION, THIRUVANANTHAPURAM, PIN - 695001 3 MOHAMMED YAHIYA SHAMSUDEEN AGED 38 YEARS, S/O. SHAMSUDEEN SR, HOUSE CRA 207 CHENTHY, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM, PIN - 695011 BY ADV SAJU J PANICKER OTHER PRESENT: SRI HRITHWIK CS, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30.11.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

---------- Crl.M.C. No.4205 of 2023 ---------- Dated this the 30th day of November, 2023

ORDER

This Criminal Miscellaneous Case is filed with following prayers: To direct the court below to enlarge the time fixed for depositing 20% of the fine amount before the trial court for a further period of 45 days from 20.05.2023 in the interest of justice.

2. Petitioner was convicted and sentenced by the

Judicial First Class Magistrate Court-XII, Thiruvananthapuram, and and appeal was filed against the conviction and sentence. The appellate court passed Annexure-2 order, directing the petitioner to deposit 20% of the fine amount as a condition for suspending the sentence. Even though the petitioner filed an application for extension of time, the same was dismissed. Now the petitioner is ready to deposit the amount, it is submitted that, since the time prescribed by the lower court is already over, the amount is not accepting by the court.

3. Heard the learned counsel for the petitioner and the learned counsel for the 3rd respondent.

4. After hearing both sides, I think there can be a

direction to the court concerned to accept the amount if the same is paid within ten days. Therefore, this Criminal Miscellaneous Case is disposed of directing the jurisdictional court to accept 20% of the fine amount as directed in the order dated 06.01.2023 in Crl.M.P.No.11/2023 in Crl.A No.2/2023 by the Sessions Court, Thiruvananthapuram, within ten days. sd/- P.V.KUNHIKRISHNAN JV JUDGE APPENDIX OF CRL.MC 4205/2023 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE JUDGMENT IN CC 1613 OF 2015 DATED 06.12.2022 HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT XII, THIRUVANANTHAPURAM Annexure 2 6. TRUE COPY OF THE ORDER DATED

06.01.2023 OF LEARNED SESSIONS COURT IN CRL. MP 11/23 IN CRL. APPEAL 2 OF 2023 SUSPENDING THE SENTENCE Annexure 3 TRUE COPY OF THE PETITION DATED 20.05.2023 FILED BEFORE THE ADDL. SESSIONS JUDGE Annexure 4 TRUE COPY OF THE ORDER IN CRL MP LEARNED SESSIONS JUDGE IV,

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