

Thomas Mathulla vs Jose Varghese

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Court : Kerala

Decided On : Oct-26-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Crl.MC/8872/2023

Appellant : Thomas Mathulla

Respondent : Jose Varghese

Judgement :

CRL.MC NO. 8872 OF 2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 26TH DAY OF OCTOBER 2023 / 4TH KARTHIKA,
1945 CRL.MC NO. 8872 OF 2023 AGAINST THE ORDER/JUDGMENT
CRA 38/2023 OF DISTRICT COURT& SESSIONS COURT,MANJERI
PETITIONER/S: THOMAS MATHULLA AGED 65 YEARS
KOOLATHARAMANNIL HOUSE, ENANTHI PO, NALLATHANI,
NILAMBUR TALUK, MALAPPURAM DISTRICT., PIN - 679330 BY
ADVS. P.SAMSUDIN MILAN RACHEL MATHEW NASRIN WAHAB
RESPONDENT/S: 1 JOSE VARGHESE AGED 63 YEARS S/O UMMAN,
NALPANAL HOUSE, PULANCHERI, NALLATHANI PO, NILAMBUR

TALUK, MALAPURAM DISTRICT., PIN - 2 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031 OTHER PRESENT: SRI HRITHWIK PP THIS
CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
26.10.2023, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: CRL.MC NO. 8872 OF 2023 2 P.V.KUNHIKRISHNAN, J
----- CrI.M.C. No. 8872 of 2023
----- Dated this the 26th day of October, 2023

ORDER

This CrI.M.C. is filed challenging Annexure-A2 order by which the petitioner is directed to deposit 20% of the fine amount before the trial court within 60 days. The petitioner was convicted and sentenced by the trial court in the proceedings under Sec. 138 of the Negotiable Instruments Act. The conviction and sentence was challenged before the Sessions Court and the Sessions Court as per Annexure-A2

order suspended the sentence on condition that the petitioner

will deposit 20% of the fine amount. Thereafter, the petitioner filed an application for extension of time and the same was extended for a further period of two months as evident by Annexure-A3 order. It is submitted that the petitioner is not able to pay the amount and further time may be granted. CRL.MC NO. 8872 OF 2023 3 After hearing the counsel for the petitioner and the Public Prosecutor, I think some more time can be given to the petitioner. Therefore, the time to deposit the amount as ordered in Annexure-A2 is extended for a further period of two months from today. With the above observation, this CrI.M.C. is disposed of. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS CRL.MC NO. 8872 OF 2023 4 APPENDIX OF CRL.MC 8872/2023 PETITIONER ANNEXURES Annexure -A1 TRUE COPY OF THE JUDGMENT DATED 10-03- 2023 IN ST 2242/2013 ON THE FILES OF JFCM, NILAMBUR Annexure-A2 TRUE COPY OF THE ORDER IN CRL.MP 704/2023 IN CRL APP 38/2023 OF THE SESSIONS COURT MANJERI Annexure-A3 TRUE COPY OF THE ORDER DATED 30-07-2023 IN CRL.MP

1249/2023 IN CRL.APP 38/2023 OF SESSIONS COURT MANJERI

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