

IN THE COURT OF SESSION, ERNAKULAM DIVISION

Present:-

Sri K K Balakrishnan, Sessions Judge

Saturday, the 30th day of May 2026/9th Jyaishta, 1948

Crl. M.P. No.1 of 2026 in Crl.Appeal No 171/2026.

(Against the order dated 15.01.2026 in MC No 1240/2025 in ST No 97/2023 passed by the Additional Chief Judicial Magistrate (MP/MLA) Court, Ernakulam)

Petitioners _____ / 1 Joy K O, aged 60 years, Kodyadan,
Appellants: Kolliparambu, Kottappady P O, Kottappady,
Ernakulam-686 692.

2 Paul Charly, aged 34 years, S/o. Charly T X,
Thadikalkaran, Kurichilakode, Kodanad,
Ernakulam-683 544.

By Advs. Junaid V S.

Respondent/ State of Kerala, represented by the Public
Respondent: Prosecutor, District and Sessions Court,
Ernakulam.

By Public Prosecutor Sri. Manoj G Krishnan.

The petition filed by the appellant to condone the delay of 43 days in filing the appeal.

These petitions coming on for hearing on 30.05.2026 and the court on the same day, passed the following:-

ORDER

This petition filed under Section 5 of the Limitation Act by the counter petitioners/appellants in M.C.No.1240/2024 in S.T.97/2023 on the file of the Court of Additional Chief Judicial Magistrate Court, Ernakulam, to condone the delay of 43 days in preferring the appeal against the order dated 15.01.2026 in the above M.C.

2. Petitioners are the sureties of accused in S.T.97/2023. The petitioners contended that the order of the trial court in the above M.C. was passed on 15.01.2026. The petitioners, who had stood as sureties for Accused No. 2. When accused failed to appear for recording plea, notice was issued to them. Upon receiving notice, they contacted A2, who informed that the matter had already been settled and he was in the process of remitting the fine amount. Believing the said representation, they did not appear before the court and consequently, proceedings were initiated against them, and an order imposing a penalty of ₹50,000/- each was passed on 15.01.2026. Subsequently, the accused compounded the offence by remitting the fine, and the main case was disposed of on 13.03.2026 with the proceedings against the sureties being stopped. Now the accused persons compounded the case and entire file is closed by the trial court. Delay occurred only because of the assurance of the accused. There occurred a delay of 43 days in preferring the appeal. There is no willful negligence on the part of the petitioners. Hence this petition.

3. Heard both sides.

4. The learned counsel for the petitioners also pleaded to condone the delay of 43 days in preferring the appeal. Considering the facts and circumstances of the case, I am of the opinion that the reason stated in the petition for the delay of 43 days

in filing the appeal is sufficient. Therefore, the delay of 43 days in preferring the appeal is condoned.

In the result, petition is allowed.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 30th day of May, 2026).

Sd/-
Syamlal S R
Additional Sessions Judge II
(For K K Balakrishnan
Principal Sessions Judge.)

SM/-
comp. By:

Crl. M.P. Nos.1 /2026 Crl..A. No. 171/2026
Order dated:30.05.2026