

**IN THE COURT OF SESSION (VACATION COURT),
ERNAKULAM DIVISION**

Present:

**Sri. Madhusoodanan T/Special Judge (Idamalayar
Investigations)/Additional District & Sessions Judge-V, Ernakulam
(Judge, Vacation Court)**

Saturday, the 25th day of April, 2026/5th Vysakha, 1948

Crl.MP No.01/2026 in Crl.Appeal No.231/2026

(Against the judgment dated 25.03.2026 in S.T. No.240/2018 on the file of
Judicial First Class Magistrate Court Kakkanad)

**Appellant/
Petitioner:**

Jenimon, Vandarathil House, Perumbavoor, West
Vengola

By Adv. Tissarant A.G.

**Respondents/
Respondents/
Complainant:**

1. State of Kerala, represented by Public Prosecutor,
District & Sessions Court, Ernakulam-682011.
2. Ibrahim E.A., S/o. Aliyar, residing at Iruppakkoottil
House, Kunnathunadu village, Kumarapuram P.O.
Ernakulam

R1 By Public Prosecutor Sri. Anvar Basheer

This petition filed to waive conditional deposit of 20% as stipulated under
Section 148 of Negotiable Instruments Act.

This petition coming on for hearing on 25.04.2026 and the Court on the
same day passed the following:

ORDER

This application is filed by the appellant seeking exemption from depositing 20% of the fine amount.

2. As per the judgment dated 25.03.2026 the petitioner was sentenced to undergo imprisonment till rising of the court and to pay fine of Rs.25,00,000/-. In default of payment of fine the accused was directed to undergo imprisonment for a period of three months. Aggrieved by the said conviction and sentence the appellant has filed the present appeal. Along with the appeal, the appellant has filed this petition Seeking exemption from depositing 20% of the fine amount.

3. Heard the counsel for the appellant.

4. The appeal has been admitted. On going through the appeal memorandum, it is evident that the petitioner has an arguable case. The case of the petitioner is that, due to loss in his business, he is under acute financial stress and proceedings under the SARFAESI Act has been initiated against him. Therefore, I am of the view that directing him to deposit 20% of the cheque amount would amount to a deprivation of his right to appeal. Hence, there is a special reason to exempt the petitioner from depositing 20% of the cheque amount for suspending the sentence.

5. In the result, the petition is allowed and the petitioner is exempted from depositing 20% of the fine amount for suspending the sentence imposed on him.

Dictated to Adalat AI, corrected and pronounced by me in open court on this the 25th day of April 2026.

Sd/-
Madhusoodanan T
Judge, Vacation Court

Typed by: Sindhu S.T
Comp.by:

//Truecopy//
(By Order)

Vacation Officer

**Crl.MP No.01/2026 in
Crl.Appeal No.231/2026
Order dated: 25.04.2026**