

IN THE COURT OF THE ADDL. DISTRICT AND SESSIONS JUDGE,  
MUVATTUPUZHA

Present :

Sri. Harikumar K.N, Addl. District and Sessions Judge.

Thursday 8<sup>th</sup> day of January 2026, 18<sup>th</sup> Pousha, 1947.

**CRIMINAL M.P. Nos. 01/2026 & 02/2026**  
**in Crl.A. No.05/2026**

(Against the judgment dated 08.12.2025 in  
ST No.510/2020 on the file of JFCMC-II, Kothamangalam)

**Cri.M.P 01/2026**

Appellant/Petitioner:-

Sivan K.A, aged 50 years, S/o. Achuthankunju,  
Kalarickakudiyil House, Pallarimangalam P.O, Pallarimangalam  
Village.

By Adv. M.U. Sajeevan

Respondents:-

1 Sijin C. Stephen, Manjayil House, Kozhippilly P.O,  
Kothamangalam.

2 State of Kerala, Rep. by Public Prosecutor.

R1: No Vakalath

R2: By Sri. K.S. Jyothikumar, Addl. Public Prosecutor,  
Muvattupuzha.

**Cri.M.P 02/2026**

Appellant/Petitioner:-

Sivan K.A, aged 50 years, S/o. Achuthankunju,  
Kalarickakudiyil House, Pallarimangalam P.O, Pallarimangalam  
Village.

By Adv. M.U. Sajeevan

Respondents:-

- 1 Sijin C. Stephen, Manjayil House, Kozhippilly P.O, Kothamangalam.
- 2 State of Kerala, Rep. by Public Prosecutor.

R1: No Vakalath

R2: By Sri. K.S. Jyothikumar, Addl. Public Prosecutor, Muvattupuzha.

These petitions are coming on for hearing on 08.01.2026 and on the same day, the Court passed the following.

**COMMON ORDER**

1. CrI.M.P. 01/2026 a petition filed for the petitioner/appellant for an order to exempt the petitioner from depositing 20% of compensation u/s.148 of the NI Act. CrI.M.P. 02/2026 a petition filed for suspending sentence imposed against the petitioner u/s.430 of BNSS.
2. Heard and perused the records. Ext.P1 marked.
3. It is stated in CrI.M.P 02/2026 that the petitioner is innocent and there are sufficient grounds to allow the appeal. The petitioner prays for suspending the sentence passed by the learned Magistrate. The appeal having been admitted, unless the sentence is suspended the purpose of the appeal may be defeated. So the prayer for suspending the sentence is to be allowed.

4. In CrI.MP 01/2026 the petitioner stated that the petitioner is a salesman in a grocery shop and his family consisting of wife, 2 children and aged mother-in law are depending on the sole income of the petitioner. It is also stated that the wife of the petitioner is a cancer patient who underwent surgery and making periodical check-up. He states that the children of the petitioner are students and his mother-in-law is 72 years old and suffering from physical ailments and needs regular medical care. It is also stated that the petitioner is holding landed property of 20 cents with residential building from which no income derived. According to the petitioner he is totally unable to raise additional amount towards 20% of the cheque amount. For that reason he prays for exempting him from the requirement of depositing the compensation or fine u/s.148 of the Negotiable Instruments Act. The counsel for the petitioner submitted that the petitioner has no means to raise the money. The question is, is it an appropriate case to exercise discretion of this Court exempting the petitioner from the statutory requirement of deposit u/s.148 of the Negotiable Instruments Act.

5. The petition is supported by the affidavit of the petitioner. He has disclosed his present means of income, assets and expenses being the bread-winner of the family. The petitioner produced Ext.P1 discharge summary. The counsel submitted that it is the medical document relating to the

treatment of wife of the petitioner. In the circumstance of the case, imposing a condition for depositing the fine may affect the right of the petitioner to appeal. Therefore this Court is inclined to exercise the jurisdiction by exempting the petitioner from depositing the amount. Presently there is no material to see that if the petitioner is exempted from the said requirement any prejudice may cause to the complainant. So this Court does not find any reason to exercise the discretion for directing deposit of the amount.

In the result,

**CrI.MP 01/2026** and **CrI.MP 02/2026** are allowed as follows:-

The execution of the sentence in ST 510/2020 of the JFCM-II, Kothamangalam shall stand suspended and bail granted to the petitioner/ accused on condition that the petitioner/accused shall execute bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the trial Court.

Dictated to the Confidential Asst. transcribed and typed by her, corrected and pronounced by me in Open court on this the 8<sup>th</sup> day of January, 2026.

Sd/-  
HARIKUMAR K.N  
ADDL. DISTRICT AND SESSIONS JUDGE

**APPENDIX**

**Petitioner Exhibit :**

P1 : 22.08.2012 Discharge Summary issued from Amrita  
Institute of Medical Sciences and Research  
Centre, Kochi.

**Respondent Exhibit : NIL**

I/d  
ADDL. DISTRICT AND SESSIONS JUDGE

CMP Nos.01/26, 02/2026  
in Crl.A.05/2026  
Order  
Dated: 08.01.2026