

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

Present:

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

Friday 17th day of April 2026, 27th Chaithra, 1948.

CRIMINAL M.P. Nos. 01/2026 & 02/2026
in CrI.A. No.187/2026

(Against the judgment dated 06.03.2026 in
CC No.1038/2022 on the file of JFCMC-III, Muvattupuzha)

CrI.M.P 01/2026

Petitioner:-

Tinto Jose, aged 36 years, S/o. Jose, Ellil House,
Vazhakulam.P.O, Pallikkunnu Bhagom, Manjalloor Village,
Muvattupuzha Taluk, Ernakulam District, Pin - 686 670.

By Adv. Sooraj S. Sivan

Respondents:-

- 1 Eldhose M.P, aged 42 years, S/o. M.M. Paulose, Maruthalayil House, Mekkadampu P.O, Kadathy Kara, Velloorkunnam Village, Muvattupuzha Taluk, Ernakulam District, Pin - 682 316.
- 2 State of Kerala, Represented by Public Prosecutor, Ernakulam District and Sessions Court, Ernakulam.

R1: No Vakalath

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

CrI.M.P 02/2026**Petitioner:-**

Tinto Jose, aged 36 years, S/o. Jose, Ellil House, Vazhakulam.P.O, Pallikkunnu Bhagom, Manjalloor Village, Muvattupuzha Taluk, Ernakulam District, Pin – 686 670.

By Adv. Sooraj S. Sivan

Respondents:-

- 1 Eldhose M.P, aged 42 years, S/o. M.M. Paulose, Maruthalayil House, Mekkadampu P.O, Kadathy Kara, Velloorkunnam Village, Muvattupuzha Taluk, Ernakulam District, Pin – 682 316.
- 2 State of Kerala, Represented by Public Prosecutor, Ernakulam District and Sessions Court, Ernakulam.

R1: No Vakalath

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

These petitions are coming on for hearing on 17.04.2026 and on the same day, the Court passed the following.

COMMON ORDER

CrI.M.P. 02/2026 is 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. 01/2026 is a petition filed for suspending sentence imposed against the petitioner u/s.430 of BNSS.

2. Heard and perused the records. Ext.A1 to A4 marked.

3. It is stated in CrI.M.P 01/2026 that the petitioner has bonafide belief that there are valid and sustainable grounds in 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 02/2026 the petitioner stated that the petitioner is under severe financial crisis and his wife is suffering from illness and had to remove her uterus through surgery. 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.

5. The counsel for the petitioner submitted that the petitioner has no means to raise the money. The petitioner produced Exts.A1 to A4 to show his inability to deposit the amount. Ext.A1 is the discharge summary in the name of Anu Tinto showing that there was inpatient treatment for fibroid in uterus. The counsel submitted that it is the discharge summary issued to the wife of the petitioner. Ext.A2 is a receipt issued from Kadathi Rural Co-operative Society Ltd. Ext.A3 and A4 are copies of execution petitions of the Munsiff Court, Muvattupuzha in which the petitioner is one of the judgment debtors.

6. 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. The petitioner produced documents in support of

his contention. 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 discretion by exempting the petitioner from depositing the amount.

7. The next question is, is it an appropriate case to exercise the discretion for directing deposit of 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.M.P 01/2026 and **CrI.M.P 02/2026** are allowed.

Execution of the sentence in CC 1038/2022 of the JFCM-III, Muvattupuzha 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 17th day of April, 2026.

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

A P P E N D I X

Petitioner/Appellant Side :

- A1 14.09.2024 : Discharge Summary issued from Sabine
Hospital, Muvattupuzha.
- A2 13.04.2026 : Receipt issued from Kadathy Rural
Co-operative Society Ltd, Kadathy.
- A3 22.08.2024 : Copy of petition EP 93/24 in ARC No. 736/22
of Munsiff Court, Muvattupuzha.
- A4 22.08.2024 : Copy of petition EP 92/24 in ARC No. 737/22
of Munsiff Court, Muvattupuzha.

Respondents side : Nil

I/d
ADDL. DISTRICT AND SESSIONS JUDGE

CMP Nos.01/26, 02/2026
in Crl.A.187/2026
Common Order
Dated: 17.04.2026