

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-V,
KOTTAYAM**

Present: Sri. Ranjith Krishnan N.,
Addl. Sessions Judge-V, Kottayam

Wednesday the 4th day of March, 2026
13th day of Phalguna, 1947

Crl. REVISION PETITION No.26/2024

*(Filed against the Crl.MP.No.4125/2024 & Crl.MP.No.2536/2024
of the Chief Judicial Magistrate Court, Kottayam)*

Petitioner/Complainant:

Jojin K.Joseph, Aged 37 years,
S/o. K.T.Joseph, Kanjirathinkal House,
Sreekandamangalam P.O., Athirampuzha,
Kottayam-686562, represented by Power of
Attorney holder Haris Jinna, aged 37 years,
S/o. Shakeela Beevi, Kuzhiveliparambil House,
Perumbaikkadu P.O., Kottayam-686616.

By Adv. Sri. Lijesh Gopalan

Respondents/Accused:

1. State of Kerala represented by
Public Prosecutor, Kottayam.
2. Sandhya P, Edappurayil,
Pallana, Kuttikkadu,
Thrikkunnappuzha, Alappuzha

R1 by Addl. Public Prosecutor Sri.Saji S.Nair

R2 by Adv. Sumon Sunder Raj

This Criminal Revision petition having been finally heard on
04.03.2026 and the Court on the same day passed the following :

ORDER

This is a Revision Petition filed under Section 438 of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The Revision Petitioner herein is the complainant who filed complaint against the respondent/accused herein before the Chief Judicial Magistrate, Kottayam alleging commission of offence punishable under Section 138 of NI Act.

3. There was a delay of 107 days in filing complaint and in order to condone the same, the petitioner filed Crl.M.P 4125/2024. The learned Chief Judicial Magistrate, Kottayam, as per order dated 28.09.2024 condoned the delay subject to the payment of cost of Rs.2500/- to the respondent on or before 11.10.2024. The petitioner could not pay the costs and hence the petition was dismissed on 18.10.2024. Aggrieved by the said order, the above Revision Petition was filed.

4. On going through the Revision Petition, it is not stated anywhere the reason for failure to pay the costs within the time prescribed by the learned Chief Judicial Magistrate. It is only stated that non-representation on the date of posting and non-

payment of costs was inadvertent due to an omission in noting the posting date.

5. As pointed out in the previous para, the petitioner has not shown any sufficient cause for not paying the costs within the time frame fixed by the Chief Judicial Magistrate Court. It is evident that there are laches on the part of the petitioner herein. However, there will be no irreparable loss or injury to the respondent if the case is contested on merits. The interest of justice always demands a decision on merits. At the same time, the hardship caused to the respondent cannot be lost sight of. So the respondent has to be compensated in terms of money.

6. In the result, the Revision Petition is allowed subject to the following conditions:

- (a) The petitioner shall deposit a sum of Rs.2000/- as costs before the District Legal Service Authority, Kottayam, within 10 days from the date of order. In case of failure to deposit the said amount, the Revision Petition will automatically get dismissed.
- (b) On deposit of such amount and after allowing the Revision Petition, the petitioner shall pay the cost of Rs.2500/- ordered by Chief Judicial Magistrate,

Kottayam to the respondent within two weeks from the date of order directing to payment the amount.

- (c) On payment of such costs to the respondent, CMP 4125/2024 will be allowed condoning the delay of 107 days in preferring the complaint, failing which the said CMP will be dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open Court, on this the 04th day of March, 2026.

Sd/-
Ranjith Krishnan N
Addl. Sessions Judge-V, Kottayam

APPENDIX : NIL

Copied by :
Compared by :

Sd/-
Ranjith Krishnan N.,
Addl. Sessions Judge-V, Kottayam