

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -II,
CHANGANACHERRY.**

**Present: Smt. SARICA A.R.
Judicial First Class Magistrate-II, Changanacherry
18th day of May, 2026/ 28th Vaisakha, 1948**

ST. No.91/2023

Complainant : 1) A.M. Shajahan,
Aged 55/2023,
S/o. Muhammedkunj Rawther,
Ezhuparathottilyil House,
Idayirikkapuzha P.O.,
Kangazha Village,
Changanacherry.

Addl. C2: Jasmine Shajahan,
W/o. Shajahan,
Ezhuparathottilyil,
Idayirikkapuzha P.O.,
Kangazha.

Addl. C3: Siyad Shajahan,
S/o. Shajahan,
Ezhuparathottilyil,
Idayirikkapuzha P.O.,
Kangazha.

Addl. C4: Muhammed Sattar,
S/o. Shajahan,
Ezhuparathottilyil,
Idayirikkapuzha P.O.,
Kangazha.

Addl.C5 : Muhammed Nibhan (minor)
 S/o. Shajahan,
 Ezhuparathottilyil,
 Idayirikkapuzha P.O.,
 Kangazha.

Represented by : Adv. Sareena Karim

Accused : Biju C.M.,
 S/o. K.P. Maniyan,
 Karippacheriyil House,
 S. Puram P.O.,
 Kurichy Village,
 Changanacherry.

Represented by : Adv. Martin Scaria

Charge : Offence u/S.138 of the N.I. Act.

Plea : Not Guilty

Finding : Guilty

Sentence or Order : *The accused is found guilty of the offence punishable under S. 138 of the Negotiable Instruments Act and is sentenced to pay a fine of ₹2,70,000/- (Rupees Two Lakhs Seventy Thousand only), of which ₹1,00,000/- (Rupees One Lakh only) is to be paid on 31.5.2026, ₹85,000/- (Rupees Eighty Five Thousand only) is to be paid on 30.6.2026 and the balance amount of ₹85,000/- (Rupees Eighty Five Thousand*

only) is to be paid by the accused on or before 30.07.2026. In case of default of the fine amount, the accused shall be sentenced to simple imprisonment for a period of 3 months. The fine amount is to be paid to the complainant, as compensation under S. 357(1) of Cr.P.C.

DESCRIPTION OF THE ACCUSED

Name	Father's Name	Occupation	Residence	Age
Biju C.M.	K.P. Maniyan	--	Karippacheriyil House	--

DATES

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Close of trial	Sentence/ Order
08-09-2023	04-10-2023	11-11-2025	11-11-2025	--	--	18-05-2026

This case have been finally heard on 18-05-2026, and the court on the same day delivered the following:-

JUDGMENT

Accused stands of trial for offence punishable u/s.138 of Negotiable Instruments Act.

(2) The case was originally filed before Judicial First Class Magistrate Court - I, Changanacherry, wherein it was taken on file as ST 6138/2023. Thereafter it was transferred to this court and renumbered as the present case.

(3) **The gist of the complaint is as follows:** The accused has issued a cheque in favour of the complainant for the discharge of a legally enforceable debt for an amount of ₹5,00,000/- on 03.08.2023. When the cheque was presented, it was returned as dishonoured with the reason 'Funds Insufficient'. The accused abstained from making any payment towards undischarged debt till date and thereby committed the offence punishable u/s.138 of Negotiable Instruments Act.

(4) On appearance, copies of relevant records were served to the accused. The particulars of offence u/s. 138 of Negotiable Instruments Act were read over and explained to the accused to which, he pleaded innocence and claimed for trial.

(5) On receipt of application and affidavit from the accused, the court ensured the presence of the complainants with their counsel. The accused was examined in camera in the presence of his counsel and the Senior Clerk of Munsiff Court Changanacherry, Mrs. Smitha K.B. and the court is satisfied that the accused has given his application voluntarily and that he is eligible for presenting such application.

(6) Thereafter the accused and the complainant of the case with their counsels participated in the meeting to work out the mutually satisfactory disposition of the case. The court has ensured that the disposition is worked out voluntarily.

(7) The court has examined the accused to find that :

- the accused has not been convicted earlier for the same offence and
- he is above 18 years of age and
- he understands the nature of offence and the proposed sentence

(8) Then time was provided to both sides to work out a mutually satisfactory disposition.

(9) The disposition worked out is as follows :

The parties have agreed that the complaint amount of ₹5,00,000/- is settled at ₹2,70,000/-, of which ₹1,00,000/- is to be paid on 31.5.2026, ₹85,000/- is to be paid on 30.6.2026 and the balance amount of ₹85,000/- is to be paid by the accused on or before 30.07.2026.

(10) On the basis of the mutually satisfactory disposition worked out, I find a sentence of fine to the tune of ₹2,70,000/- will meet the ends of justice.

In the result, the accused is found guilty of the offence punishable under S. 138 of the Negotiable Instruments Act and is sentenced to pay a fine of ₹2,70,000/- (Rupees Two Lakhs Seventy Thousand only), of which ₹1,00,000/- (Rupees One

Lakh only) is to be paid on 31.5.2026, ₹85,000/- (Rupees Eighty Five Thousand only) is to be paid on 30.6.2026 and the balance amount of ₹85,000/- (Rupees Eighty Five Thousand only) is to be paid by the accused on or before 30.07.2026. In case of default of the fine amount, the accused shall be sentenced to simple imprisonment for a period of 3 months. The fine amount is to be paid to the complainant, as compensation under S. 357(1) of Cr.P.C.

Directly typewritten into my personal laptop, corrected by me and pronounced by me in open court on this the 18th day of May, 2026.

Sd/-
SARICA A.R.
Judicial First Class Magistrate- II
Changanacherry

APPENDIX : Nil

Id/-
Judicial First Class Magistrate- II

// True copy //

SARICA A.R.
Judicial First Class Magistrate- II
Changanacherry

