

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THRISSUR

Present:

Sri. Sasi Kumar P.S., Principal Sessions Judge

Tuesday, the 17th day of March, 2026/26th Phalgunam, 1947 SE.

Crl.M.P.No. 1/2026 in Crl.A. No.85/2026

(S.T. 35/2020 of Judicial First Class Magistrate Court No.II, Chavakkad)

Petitioners:-

1. Salvation Chitties (P) Ltd., Reg.office T.C.18/2526, Ikkandawarrier Road, Thrissur -1, T.C. No.X/46/13, 1st Floor, East End Plaza, Rice Bazar, Thrissur-680 001, Rep. By its Managing Director.
2. Sunil Sabu M., aged 55 years, S/o Sabu@ Sebastian, Maliekkal, Mulakkal house, Nagelil Lane, P.O. Cheroor, Vilvattom, Thrissur-680 008.

By Adv. Ranjith K.

Respondents:-

1. Roshni, Teacher, aged 44 years, W/o Ajith Prasad, Naduvilpurakkal house, Mullassery P.O. and Village, Chavakkad Taluk, Pin-680 509.
2. State of Kerala rep. by Public Prosecutor.

This petition is coming on this day for hearing, the Court passed the following:-

ORDER

Heard the counsel for the petitioners/appellants. Perused the memorandum of appeal and documents appended therewith. It appears that the petitioners/appellants are having an arguable case and hence, this appeal is admitted. Therefore impugned sentence including order to pay fine/compensation is suspended on appellants executing a bond for ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like amount to the satisfaction of

the trial court within a period of one month from the date of this order.

Further, the appellants are directed to deposit 20% of the amount of fine/compensation imposed by the impugned judgment before the trial court within a period of 60 days from today under section 148(1) of the Negotiable Instruments Act, 1881.

Non compliance of the condition shall have the effect of vacating the suspension of sentence by virtue of the dictum rendered by the Hon'ble Apex Court in **Surinder Singh Deswal v. Virender Gandhi reported in 2020 (1) KLT 417 (SC)**. The Hon'ble Apex Court has further held that irrespective of the provisions of Section 357(2) of the Cr.P.C., pending appeal before the first appellant court, challenging the order of conviction and sentence under Section 138 of the Negotiable Instruments Act, 1881 the appellate court is conferred with the power to direct the appellant to deposit such sum pending appeal which shall be a minimum of 20% of the fine or compensation awarded by the trial Court.

(Dictated to the Confidential Assistant, typewritten by him, corrected and pronounced by me in open court on this the 17th day of March, 2026.)

sd/-
SASI KUMAR P.S.,
PRINCIPAL SESSIONS JUDGE.

/true copy/

Copy to:

JFCM No.II, Chavakkad.

By Order,

Sheristadar

Copied by: Jancy George
Compared by: Sheena P.B.