

IN THE COURT OF THE SESSIONS JUDGE,
THIRUVANANTHAPURAM

PRESENT : SMT. NAZEERA.S, SESSIONS JUDGE

Tuesday, the 17th day of February, 2026/28th day of Magha, 1947

CRIMINAL M.P. Nos. 1/2026 and 2/2026

In CRIMINAL APPEAL No. 37/2026

CRIMINAL M.P. No. 1/2026

(S.T. No. 1621/2016 of Judicial First Class Magistrate Court-IV, Attingal)

PETITIONER/APPELLANT:-

Sudheesh Kumar B S, aged 41 years, S/o Surendran Nair,
residing at Sudheesh Bhavan, Kizhakkekkara,
Kochalummoodu, Konchira PO, Thekkada,
Thiruvananthapuram-695615.

By Adv. Muhammad Jasheen J

COUNTER PETITIONER/RESPONDENT:-

Krishnankutty, aged 68 years, S/o Sivaraman Pilai,
residing at Chaithram, Near Karett Siva Temple,
Anakudi PO, Vamanapuram, Thiruvananthapuram.

CRIMINAL M.P. No. 2/2026

(S.T. No. 1621/2016 of Judicial First Class Magistrate Court-IV, Attingal)

PETITIONER/APPELLANT:-

Sudheesh Kumar B S, aged 41 years, S/o Surendran Nair,
residing at Sudheesh Bhavan, Kizhakkekkara,
Kochalummoodu, Konchira PO, Thekkada,
Thiruvananthapuram-695615.

By Adv. Muhammad Jasheen J

COUNTER PETITIONER/RESPONDENT:-

Krishnankutty, aged 68 years, S/o Sivaraman Pilai,
residing at Chaithram, Near Karett Siva Temple,
Anakudi PO, Vamanapuram, Thiruvananthapuram.

These petitions are coming on for hearing on 17-02-2026 and the court on the same day passed the following :

COMMON ORDER

Criminal M.P.No.1/2026 is the petition filed u/s.430 of the Bharatiya Nagarik Suraksha Sanhita to suspend the execution of sentence and Criminal M.P.No.2/2026 is the petition to exempt the petitioner/appellant from paying 20% of the fine amount as contemplated under Section 148 of the Negotiable Instruments Act.

2. The petitioner is the appellant in the above matter and he is challenging the judgment of conviction and sentence passed against him as per Judgment dated 9.1.2026 in S.T No.1621/2016 by the Judicial First Class Magistrate Court-IV, Attingal, for the offence punishable u/s.138 of the Negotiable Instruments Act. As per the impugned judgment, the appellant is sentenced to undergo simple imprisonment for 6 months and to pay a compensation of Rs. 10,72,360/- and in default of payment of compensation, to undergo simple imprisonment for a period of six months.

3. Heard. According to the appellant/accused, Ext.P1 cheque was handed over to the complainant/respondent in the year 2012 when he availed a loan of Rs.1,00,000/- along with a blank promissory note and it was fraudulently and falsely converted into, two documents. The defense taken by the appellant before the trial court is that he had repaid the amount due, in spite of which the documents given as security were not destroyed. The appellant is also challenging that he was not served with a statutory notice and disputing the acknowledgment card. Apparently, the signature in Ext.P1 cheque is not disputed. These are all usual forms of defense and I find no exceptional

circumstances to waive the statutory deposit while suspending the execution of sentence.

In the result, Criminal M.P.No.2/2026 stands dismissed and Criminal M.P.No.1/2026 is allowed as follows:-

The execution of sentence is suspended on the appellant executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the trial court, and on deposit of 20% of the fine amount within the statutory period.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in Open Court on this the 17th day of February, 2026.

**Sd/-
NAZEERA.S
SESSIONS JUDGE**

(Copies : 4)
Typed by: Rifa

(True Copy)

By Order

Compared by: Manjusha FCS :

SHERISTADAR

Copy of Common order in
Crl. M.P Nos. 1/2026 and 2/2026
in Crl. Appeal No. 37/2026
Dated 17-02-2026