



ITEM NO.37

COURT NO.16

SECTION II-D

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).  
1232/2026

[Arising out of impugned final judgment and order dated  
25-11-2025 in CM.APPL.No. 1/2025 in CRL.A.No.2202/2025  
passed by the High Court of Kerala at Ernakulam]

MAJIDA M. &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF KERALA

Respondent(s)

IA No. 21061/2026 - EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT, IA No. 21063/2026 - EXEMPTION FROM  
FILING O.T., IA No. 21060/2026 - PERMISSION TO FILE  
ADDL.DOCUMENTS/FACTS/ANNEXURES

Date : 27-01-2026 This matter was called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN  
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) Mr. K. Parameshwar, Sr. Adv.  
Ms. Anzu. K. Varkey, AOR

For Respondent(s) Mr Nishe Rajen Shonker, AOR  
Mrs. Anu K.Joy, Adv.  
Mr. Alim Anvar, Adv.  
Mrs. Devika A.L., Adv.  
Mr. Santosh K., Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Heard Mr.K.Parameshwar, learned senior counsel for  
the petitioners and Mr.Santosh K., learned counsel for  
the State.

2. The limited question that arises for consideration is about the correctness of the directions in the impugned order mandating that each of the petitioners should deposit 30% of the total fine amount imposed. The total fine amount is 1,15,45,612/- (Rupees one crore fifteen lakh forty five thousand six hundred twelve only) and at the rate of 30%, it works out to Rs.4,32,960/- (Four lakh thirty two thousand nine hundred sixty only) each as informed by the Mr. K. Parameshwar, learned senior counsel. Learned senior counsel for the petitioners submits that said amount as ordered is excessive and the petitioners will not be able to avail the benefit of suspension of sentence which they have been granted. Learned senior counsel however, fairly submits that each of his clients can deposit an amount of Rupees one lakh.

3. Learned counsel for the State vehemently opposes this submission and submits that a similar prayer was made to the High Court and the same has been rejected. He also submits that only extension of time was prayed and no application for modification was filed.

4. Having heard the learned counsel for the parties, we are of the opinion that while maintaining the order of suspension of sentence, instead of 30% of fine amount, each of the petitioners herein shall deposit, as undertaken, a sum of Rupees one lakh each. All other conditions should remain as it is.

5. Learned senior counsel for the petitioners further points out that pending the hearing of the special leave petition, accused no.6-Sivarajan S. was taken into custody in the present case on 08.01.2026. The order of suspension of sentence was passed on 25.11.2025 and accused no.6-Sivarajan S. was taken into custody on 08.01.2026. To obviate the need to move a separate bail application, we direct that accused no.6-Sivarajan S. shall be enlarged on bail on the same conditions as imposed by the High Court on 25.11.2025 in the order of suspension of sentence except with the amendment that he shall also deposit as undertaken a sum of Rupees one lakh instead of 30% of the fine amount. Learned senior counsel for the petitioners at this stage prays two weeks time to deposit the said amount before the concerned Court.

6. The time prayed for, is granted.

7. The special leave petition is disposed of in the above terms.

8. Pending application(s), if any, shall also stand disposed of.

(NIRMALA NEGI)  
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)  
COURT MASTER (NSH)