

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGSCRLMP.NO(s). 19149 IN
Petition(s) for Special Leave to Appeal (Crl)... 2008(From the judgement and order dated 11/06/2008 in CRLRP No. 1156/2008 of
The HIGH COURT OF KERALA AT ERNAKULAM)

ARUN MATHEW THOMAS

Petitioner(s)

VERSUS

STATE OF KERALA & ANR.
(With appln. for exemption from surrendering)

Respondent(s)

Date: 04/03/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
(In Chamber)For Petitioner(s)
Mr.T.V.George,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

This Special Leave Petition has been filed against the judgment of conviction and sentence dated 11th June, 2008, in Criminal Revision Petition No.1156/08, by which the Kerala High Court had found the petitioner guilty of an offence punishable under Section 138 of the Negotiable Instruments Act, and directed him to pay a fine of Rs. 3,10,000/-. The said fine was directed to be paid as compensation under Section 357(1) Cr.PC. A default clause was also added that in the event the said amount was not deposited within the said period, the petitioner would suffer three months simple imprisonment.

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This Special Leave Petition having been filed against the said order imposing a fine of Rs. 3,10,000/-, in the event the petitioner's application for exemption from surrendering is not allowed, the entire purpose of the Special Leave Petition will be frustrated.

On the last occasion, i.e. on 18th February, 2009, when the matter was taken up, learned counsel had pointed out that the time for making the deposit had not expired and that he was still entitled to make the deposit within the time allowed. We had, therefore, directed the petitioner to produce the order of the High Court by which time for depositing the amount was extended. Today, the said order dated 11th February, 2009, has been produced from which it appears that the time for making the deposit has been extended by a period of two months from the said date which will expire on 10th April, 2009.

In that view of the matter, the prayer for exemption from surrendering is allowed. Let the matter be placed for the regular Bench expeditiously having regard to the time constraint and let a copy of the order of the Kerala High Court dated 11th February, 2009, be kept on record.

(Ganga Thakur)
P.S. to Registrar

(Indu Satija)
Court Master