

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.S. DIAS

TUESDAY, THE 21st DAY OF APRIL 2020/1st VAISAKHA , 1942

Crl.A No.1007 of 2019

(Against the Judgment in the Court of Additional Assistant Sessions Judge,
Irinjalakuda, dated 23.07.2019 in S C No: 753/2008)

Appellant/Accused A1, A2 & A4.

1. Shinto, Aged 39 years, S/o. Vincent, Alukka House,
Karuvappady desom, Amballur Village – 680 302
2. Sanoj, Aged 30 years
S/o. Santha, Palapiarambu House, Palakkunnu Desom,
Amballur Village - 680 302
3. Vishnu, Aged 32 years,
S/o.Viswambaran, Kattungal House, Thekkummuri desom,
Varanharappilly Village – 680 303
By Adv.Saiby Jose Kindangoor

Respondents/ State & Complainant

1. State of Kerala, Rep. by Public Prosecutor,
High Court of Kerala – 682 031
2. The Sub Inspector of Police,
Varanharappilly Police Station – 680 302
By Public Prosecutor Sri.Amjad Ali

THIS Crl.A HAVING BEEN FINALLY HEARD ON 21.04.2020, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.S.DIAS, J.

Crl.M.Appln.No.... of 2020

in

Crl.M.Appln. No.1 of 2019

in

Crl.Appeal No.1007 of 2019

Dated this the 24th day of April, 2020

ORDER

This is an application filed by the appellant in the above appeal, seeking to modify the order dated 17.10.2019 passed by this Court in Crl.M.Appln.No.1 of 2019.

2. This Court had admitted the above appeal and ordered suspension of the execution of the substantive sentence on condition that the petitioner deposits the entire fine amount of Rs.1,50,000/- before the court below.

3. The petitioner has filed the present application seeking to modify/delete the said condition.

4. On going through the impugned order passed by the learned Single Judge of this Court, I find that the learned Single Judge has suspended the execution of the substantive sentence,

after exhaustively considering the facts and circumstances of the case.

5. It is now the case of the petitioner that, due to the Covid-19 pandemic, the petitioner is unable to raise the necessary funds to deposit the fine amount.

6. The judicial propriety demands that I follow the order passed by the learned Single Judge. Nevertheless, considering the present adverse circumstances prevailing in the Country, I feel that the petitioner can be permitted to offer property security for the entire fine amount of Rs.1,50,000/-. In fact, this Court, in the decision in ***Ratnakaran v. State of Kerala*** [2006 KHC 1957], has held that the accused can be permitted to furnish property security in lieu of payment of the fine amount.

7. Following the principle in ***Ratnakaran*** (Supra) and considering the prevailing situations due to Covid-19, I modify the order dated 17.10.2019 passed in Crl.M.Appln.No.1 of 2019 by directing the petitioner to offer security by way of immovable property for the fine amount of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) to the satisfaction of the court below.

With the above observation, the Crl. M.Application stands disposed of.

C.S.DIAS, JUDGE

kkj