

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

AND

THE HONOURABLE MR.JUSTICE SHAJI P. CHALY

WEDNESDAY, THE 1ST DAY OF APRIL, 2020/12TH CHAITHRA, 1942

Crl.M.A. TMP-2 of 2020 in Crl.R.P TMP-1 of 2020

(AGAINST THE JUDGMENT DATED 27/06/2019 IN CRL.A. NO.264/2018 OF THE 2ND ADDL. SESSIONS JUDGE,
KOZHIKODE CONFIRMING THE JUDGMENT OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-VIII,
KOZHIKODE IN C.C 02/2016 DATED 10/04/2018)

REVISION PETITIONER/APPELLANT/ACCUSED:

Shajil V.C, S/o. Velayudhan, aged 43 years, Jasvis Digital Studio and Print Express,
Kashkatu Chambers, Bank Road, Nadakkavu Police Limits, Kozhikode-673 001

By Adv. Sri. P. Jayabal Menon
Adv. Sri. P. Deepak

RESPONDENTS/RESPONDENTS/STATE AND COMPLAINANT:

1. State of Kerala, represented by the Public Prosecutor,
High Court of Kerala, Ernakulam.
2. Dijo Mahendra, Mahendrapuri, Nallalam P.O, Kozhikode- 673 027.

By Sri. Suman Chakravarthy, Public Prosecutor

This Criminal M.A. having coming up for orders on 01/04/2020, the court on the same day
passed the following:-

A.K. JAYASANKARAN NAMBIAR, J.

&

SHAJI P. CHALY, J.

CrI.M.A. TMP-2 OF 2020

IN

CRL.R.P. TMP-1 OF 2020

Dated this the 1st day of April, 2020

ORDER

Shaji P. Chaly, J.

Even though this application filed by the revision petitioner for suspending the sentence is not numbered, in view of the present emergent situation of COVID-19, we thought it fit to consider the application. Therefore there will be a direction to assign a temporary number to this application. The offence alleged against the revision petitioner is one under Section 138 of the Negotiable Instruments Act. The learned Judicial Magistrate of the First Class Court-VIII, Kozhikode in C.C.No.2/2016 having found the petitioner guilty, convicted and imposed punishment of imprisonment till the rising of the court and to pay a fine of Rs.12 lakhs and in default to undergo simple imprisonment for three months. The conviction and punishment was upheld by the learned Sessions Court. Having considered the rival submissions, we are of the view that, in view of the spread of COVID-19, it is better that the directives issued by the Central and State Governments are followed to maintain social distancing and for decongestion of jails. Therefore, we are of the view that, a provisional order suspending the sentence for a period of 30 days can be passed. Accordingly, the sentence

imposed by the JFCM Court-VIII, Kozhikode in C.C.No.2/2016 affirmed by 2nd Addl. Sessions Court, Kozhikode in CrI.A.No.264/2018 is suspended provisionally for a period of 30 days from today and with a condition to seek orders from regular court within a week from the withdrawal of the lockdown by the Government, whichever is earlier.

A.K.JAYASANKARAN NAMBIAR
JUDGE

SHAJI P. CHALY
JUDGE

prp/1/4/2020