



CRL.MC NO. 3958 OF 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

THURSDAY, THE 9TH DAY OF JULY 2026 / 18TH ASHADHA, 1948

CRL.MC NO. 3958 OF 2026

AGAINST THE ORDER DATED 24.03.2026 IN CRMP 1/2026 IN
Cr1.A NO.92 OF 2026 OF DISTRICT COURT & SESSIONS COURT/ RENT
CONTROL APPELLATE AUTHORITY, THIRUVANANTHAPURAM ARISING OUT OF
THE ORDER/JUDGMENT DATED IN ST NO.42 OF 2016 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -VII, THIRUVANANTHAPURAM

PETITIONER/PETITIONER/APPELLANT:

H.DICKSON,
AGED 66 YEARS
S/O HARIS,KRIPA NIVAS, PALAKKADAVU, NEYYATTINKARA,
THIRUVANANTHAURAM, PIN - 695121

BY ADV SRI.LIJU. M.P

RESPONDENTS/COUNTER PETITIONER/RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA,ERNAKULAM, PIN - 682031
- 2 K.MANU,
AGED 65 YEARS
S/O LATE U K KARTHIKEYAN,SAPHIRE, TC 13/1865, ARRA-
17, AVITTOM ROAD,MEDICAL COLLEGE PO,
THIRUVANANTHAPURAM, PIN - 695011



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BY ADVS.
SRI.SUJAN K.A, PUBLIC PROSECUTOR
SRI.GOPAKUMAR R.THALIYAL
SRI.M.S.VIJAYACHANDRA ABABU
SRI.KURUPPATH BHASKARAN
SHRI.SANJEEV KUMAR V.E.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09.07.2026, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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C.S.DIAS,J.

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CrI. M.C.No.3958 of 2026

Dated this the 9th day of July, 2026**ORDER**

Aggrieved by the judgment passed by the Court of the Judicial Magistrate of First Class-VII, Thiruvananthapuram ('Trial Court', in short) in S.T.No.42 of 2016, convicting and sentencing the petitioner for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ('N.I.Act', in short), on a complaint filed by the 2nd respondent, the petitioner has preferred CrI.A.No.92 of 2026 before the Court of Sessions, Thiruvananthapuram ('Appellate Court', in short). The petitioner also filed an application to suspend the execution of the sentence imposed on him. By Annexure-2 order, the Appellate Court suspended the execution of the sentence, subject to the condition that the petitioner deposits 20% of the fine amount within the statutory period and executes a bond



for Rs.50,000/- with two solvent sureties. Annexure-2 order is onerous and unreasonable. Hence, the Crl.M.C.

2. When the Crl.M.C. came up for consideration on 19.05.2026, this Court stayed the condition in Annexure-2 order, subject to the condition that the petitioner deposits 7% of the total cheque amount, including amount and interest, within a period of three weeks from the date of the order.

3. In compliance with the said order, it is reported that the petitioner has deposited Rs.70,000/- before the Trial Court on 02.06.2026.

4. I have heard the learned counsel for the petitioner, the learned Public Prosecutor and the learned counsel appearing for the 2nd respondent.

In view of the petitioner complying with the interim order 19.05.2026, by depositing Rs.70,000/- before the Trial Court on 02.06.2026, I allow this Crl.M.C., by suspending the execution of the sentence imposed on the



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petitioner, subject to the condition that the petitioner has already executed the bond for Rs.50,000/- with two solvent sureties to the like sum to the satisfaction of the Trial Court. This order is in supersession to Annexure-2 order passed by the Appellate Court.

Sd/-

C.S.DIAS, JUDGE

dkr



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APPENDIX OF CRL.MC NO. 3958 OF 2026

PETITIONER ANNEXURES

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| Annexure 1 | TRUE COPY OF THE COMPLAINT IN ST
NO.42/2016 ON THE FILE OF JUDICIAL FIRST
CLASS MAGISTRATE COURT-VII,
THIRUVANANTHAPURAM |
| Annexure 2 | ORIGINAL ORDER DATED 24.03.2026 PASSED IN
CRL.M.P NO.1/2026 IN CRL.APPEAL NO.92/2026
ON THE FILE OF SESSION COURT,
THIRUVANANTHAPURAM |