

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 29TH MAY 2009 / 8TH JYAISHTA 1931

WP(C).No. 14801 of 2009(U)

PETITIONER(S):

**BHANUMATHY RAMACHANDRAN,
W/O. RAMACHANDRAN, PANCHAJANYAM IMALI,
OMALLUR P.O., PATHANAMTHITTA.**

**BY ADVS.MR.G.SASIDHARAN CHEMPAZHANTHIYIL
MR.S.VISHNU**

RESPONDENT(S):

**1. THE TAHSILDAR,
REVENUE RECOVERY, PATHANAMTHITTA.**

**2. P.K.SANTHAMMA,
VASANTH, KAIPATTOOR P.O., PATHANAMTHITTA.**

BY GOVT. PLEADER MR.BIJOY CHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29/05/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C) No. 14801 OF 2009
.....

Dated this the 29th May, 2009

J U D G M E N T

The petitioner, accused in S.T.No. 39 of 2004, was convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo imprisonment along with fine as specified. Challenging the verdicts passed by the courts below, the petitioner had approached this Court by filing Crl.R.P. 1636 of 2008, which led to Ext.P1 verdict whereby the conviction was upheld but the sentence was modified. Accordingly, the petitioner was sentenced with a fine of Rs. Two lakhs, which in turn was ordered to be paid as compensation under Section 357(1) Cr.P.C., within seven months from the date of such verdict, failing which, it was mentioned, that the petitioner would have to suffer simple imprisonment for three months by way of default sentence. The above proceedings finally led to revenue recovery proceedings initiated by the first

W.P.(C) No. 14801 OF 2009

2

respondent as per Exts. P3 and P4, which are subjected to challenge in the present Writ Petition.

2. Considering the reliefs sought for and the proceedings as on date, this Court finds it difficult to accept the proposition made from the part of the petitioner for interference with Exts.P3 and P4, which will only help to water-down the clear mandate given by this Court as per Ext. P1.

3. The learned counsel for the petitioner submits that the petitioner is ready and willing to clear the liability and that she only wants to have some more time to pay the dues. This, if granted, will only be modifying or reviewing Ext. P1 order passed by this Court under the relevant provisions of the Cr.P.C., which is not possible. There is no case for the petitioner that she has filed any application for enlargement of time before the concerned Court with reference to Ext.P1.

In the said circumstances, no interference is possible and hence the Writ Petition is dismissed. It is made clear that this will be without prejudice to the rights of the petitioner to

W.P.(C) No. 14801 OF 2009

3

approach the appropriate Court by filing appropriate proceedings,
in accordance with law.

**P.R. RAMACHANDRA MENON,
JUDGE.**

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