



ITEM NO.46

COURT NO.13

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 29645/2025

[Arising out of impugned final judgment and order dated 07-12-2024 in CRLA No. 146/2007 passed by the High Court of Kerala at Ernakulam]

C.K. ABDURAHIMAN @ MANU

Petitioner(s)

VERSUS

MUKKATH MARAKKAR HAJI & ANR.

Respondent(s)

(IA No. 147432/2025 - CONDONATION OF DELAY IN FILING  
IA No. 147433/2025 - EXEMPTION FROM FILING O.T.)

Date : 23-06-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANDEEP MEHTA  
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

(PARTIAL COURT WORKING DAYS BENCH)

For Petitioner(s) :

Mr. Deepak Prakash, AOR  
Mr. Sriram P., Adv.  
Ms. Gayathri Muraleedharan, Adv.  
Mr. Nachiketa Vajpayee, Adv.  
Ms. Divyangna Malik, Adv.  
Ms. Jyoti Pandey, Adv.  
Mr. Rahul Suresh, Adv.  
Ms. Shivangi Rajawat, Adv.  
Mr. Chetan Jadon, Adv.  
Mr. Parthasarthy, Adv.  
Ridhika, Adv.  
Samridhi Srivastava, Adv.

For Respondent(s) :

UPON hearing the counsel, the Court made the following  
O R D E R

1. Delay condoned.

2. Heard learned counsel for the petitioner.
3. The petitioner herein seeks to assail the judgment dated 07.12.2024 passed by the High Court of Kerala at Ernakulam in Criminal Appeal No.146 of 2007 whereby, the High Court reversed the judgment dated 17.03.2004 passed by the Court of Sessions, acquitting the accused petitioner of the accusations under Section 138 of the Negotiable Instruments Act and convicted and sentenced him as below:-

Simple imprisonment for one day till rising of the Court and to pay compensation of Rs.23 Lakh. In default of payment of compensation, to undergo simple imprisonment for six months.

4. We have considered the submissions advanced by learned counsel for the petitioner and have gone through the impugned judgment.
5. The cheque in question was issued by the accused to the complainant way back on 18.05.1999 for a sum of Rs.20 Lakhs and was dishonoured on presentation. We, therefore, require the petitioner to deposit 50% of the cheque amount (including the amount, if any, already deposited with the trial Court or the appellate Court) within a period of 6 weeks from today with the Registry of this Court.
6. The petitioner shall furnish an undertaking to this effect within two weeks from today whereupon the impugned judgment reversing the acquittal of the petitioner shall remain suspended and the petitioner shall be enlarged on bail in connection with C.C. No. 12 of 2000 on the file of Judicial First Class Magistrate Court-II, Perinthalmanna, upon furnishing bail and personal bonds to the satisfaction of the Trial Court.
7. On such deposit being made, the same shall be kept in a Fixed Deposit Account for the period of three months, with auto renewal facility.

8. Let notice be issued to the respondents, returnable in six weeks.
9. Dasti service, in addition, is granted.

(NARENDRA PRASAD)  
DEPUTY REGISTRAR

(RANJANA SHAILEY)  
ASSISTANT REGISTRAR