



2026:KER:13668

CRL.MC NO. 10511 OF 2025

1

“C.R.”

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

MONDAY, THE 16TH DAY OF FEBRUARY 2026 / 27TH MAGHA, 1947

CRL.MC NO. 10511 OF 2025

AGAINST THE JUDGMENT DATED 16.12.2024 IN ST NO.16 OF 2024
OF JUDICIAL MAGISTRTE OF FIRST CLASS, AMINI

PETITIONER/ACCUSED:

YAHYA KHAN N,
AGED 50 YEARS
S/O. ABOOBACKER HAJI, 28/2705C, KADAMOLIKKUNNU,
VIKAS NAGAR, THONDAYAD, NELLIKODE, KOZHIKODE,
KERALA, PIN - 673016

BY ADV SHRI.E.C.AHAMED FAZIL

RESPONDENT/S:

- 1 SAINABA T. P.
W/O. ALIKOYA M. K., THAKUPUTHIYA ILLAM HOUSE, AGATTI
ISLAND, U T OF LAKSHADWEEP,, PIN - 682553
- 2 UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY ITS ADMINISTRATOR, KAVARATTI ISLAND,
LAKSHADWEEP, PIN - 682555

BY ADVS.
SMT.SEETHA S., SR.PP
SRI.T.MADHU
SRI.R.V.SREEJITH
SMT.C.R.SARADAMANI



2026:KER:13668

CRL.MC NO. 10511 OF 2025

2

SHRI.RENJISH S. MENON
SMT.AVANTHIKA R.
SHRI.KARTHIK KRISHNA M.
SMT.ARUNIMA A.R.
SHRI.T.S.DAVIS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
16.02.2026, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**“C.R.”****C.S.DIAS,J.**

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CrI. M.C.No. 10511 of 2025

Dated this the 16th day of February, 2026**ORDER**

The petitioner was the accused in S.T.No.16 of 2024 on the file of the Court of the Chief Judicial Magistrate, Amini Island, Lakshadweep, filed at the instance of the 1st respondent, alleging the commission of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N.I Act').

2. The petitioner has filed this Criminal Miscellaneous Case to quash Annexure A2 judgment passed by the learned Magistrate convicting and sentencing him to undergo imprisonment till the rising of the court and to pay a compensation of Rs.6,00,000/- to the 1st respondent, with a default sentence of three months.



3. The petitioner has averred in the Crl. M.C. he had appeared in the camp sitting of the above Court at Kozhikode on 16.12.2024, his counsel was absent; that without fully comprehending the legal consequences, he pleaded guilty; and the learned Magistrate, without adhering to the procedure contemplated under Sections 252, 264 and 275 of the Bharatiya Nagarik Suraksha Sanhita ('BNSS', in short) as well as the principles laid down by this Court in the decision in **Raseen Babu K.M v. State of Kerala** [2021 (3) KHC 394], has convicted and sentenced him. Therefore, the judgment may be quashed, and the conviction and sentence may be set aside.

4. The 1st respondent has filed a counter-statement, *inter alia*, denying the assertions in the Crl. M.C. The 1st respondent has contended that the petitioner had appeared along with a counsel; that the particulars of the offence were read over and explained to him; and that he voluntarily expressed his desire to plead guilty, subject to



the imposition of a lenient substantive sentence and grant of one year to pay the compensation. It was after fully understanding the consequences of his action that the petitioner pleaded guilty. It is also stated that the petitioner is a doctor and a motivational speaker, as reflected in Annexure R1(a) social media post. The learned Magistrate had recorded the petitioner's plea strictly in conformity with the law for the trial of summons cases. The Crl.M.C. is not maintainable, as the petitioner has an alternative remedy of appeal.

5. Pursuant to the directions of this Court, the learned Magistrate, by communication dated 28.11.2025, has reported that the petitioner had appeared before him on 16.12.2024. As the petitioner expressed his desire to plead guilty to the offence, the procedure envisaged for the trial of summons cases was followed. Hence, no formal charge was framed. The particulars of the offence were read over and explained to the petitioner, and he was asked



whether he had committed the above offence. The petitioner voluntarily admitted to committing the offence and expressed his desire to settle the matter by pleading guilty. However, he requested nine months, till August 2025, to pay the compensation, which was also consented to by the 1st respondent. The petitioner's plea was recorded; a copy of the deposition is attached to the report. Accordingly, the judgment was passed, sentencing the petitioner to imprisonment till the rising of the court and ordering him to pay compensation of Rupees Six Lakh, with a default sentence of three months. The petitioner underwent the substantive sentence, and he was enlarged on bail for the payment of the compensation amount. On 01.09.2025, the 1st respondent filed an application to issue a non-bailable warrant against the petitioner due to his failure to pay the compensation. Consequently, a distraint warrant was issued against the petitioner.



6. I have heard the learned counsel for the petitioner, the learned counsel for the 1st respondent and the learned Public Prosecutor.

7. The question that emerges for consideration is whether the conviction and sentence imposed by the Trial Court, on the petitioner's plea of guilty, suffers from illegality, impropriety or irrationality warranting interference by this Court under Section 528 of the BNSS?

8. Section 143 (1) of the NI Act prescribes that a complaint filed alleging the commission of the offence under Section 138 shall be tried summarily as per the procedure contemplated under Sections 262 to 265 of the Code of Criminal Procedure (Cr. P.C.). Under Section 262 Cr.P.C., the procedure to be followed in a summary trial is the same as in the trial of summons cases and as provided under Chapter XX of the Cr.P.C. It is contextual to refer to Section 251 of Cr.P.C., which reads as follows:

"251. Substance of accusation to be stated.- When in a summons-case the accused appears or is brought before the Magistrate, the



particulars of the offence of which he is accused shall be stated to him, and he shall be asked whether he pleads guilty or has any defence to make, but it shall not be necessary to frame a formal charge”.

9. The above provision mandates that when an accused is brought before the Magistrate, the particulars of the offence for which the person is accused shall be stated to him, he shall be asked whether he pleads guilty or has any defence to make, and it is not necessary to frame a charge.

10. In light of the report of the learned Magistrate and the appended deposition of the petitioner, there is not an iota of doubt that the particulars of the offence were read over to the petitioner, who pleaded guilty, his plea was recorded, and the deposition was signed by the petitioner. Likewise, the petitioner's request for 9 months to pay the compensation amount was also granted by the learned Magistrate, by granting him time till 15.08.2025. Furthermore, the petitioner underwent the substantive sentence till the rising of the court on the same day,



without any demur or protest. It is also pertinent to note that the petitioner remained silent from 16.12.2024 till 19.11.2025, the date of filing of this Crl.M.C., until the distraint warrant was issued against him, to quash Annexure A2 judgment on the ground that the particulars of the offence were not properly read over to him and that he did not understand the consequence of pleading guilty. The said contention can only be accepted with a pinch of salt. The petitioner, who is a doctor and a Guinness World Record Winner, cannot be labelled as an ignorant person who was unaware of his act of pleading guilty.

11. The decision relied on by the learned counsel for the petitioner is inapplicable to the facts of the case because that is a case dealing with the procedure to be followed in the trial of warrant cases.

On a comprehensive evaluation of the facts, the materials on record, particularly after going through the report of the learned Magistrate, I am not convinced that



there is any illegality or irrationality in the impugned judgment warranting interference by this Court under Section 528 of the BNSS, to set aside the conviction and sentence imposed on the petitioner, that too, after the petitioner has undergone the substantive sentence. The petitioner's sole intention is to avoid paying compensation to the 1st respondent, and nothing more and nothing less. The Crl.M.C. is meritless and only deserves to be dismissed. Accordingly, the Crl.M.C. is dismissed.

Sd/-

C.S.DIAS, JUDGE

dkr



APPENDIX OF CRL.MC NO. 10511 OF 2025

PETITIONER ANNEXURES

ANNEXURE A1 TRUE COPY OF THE EXTRACT OF PROCEEDINGS
DATED 16.12.2024 IN S.T. NO. 16 OF 2024 OF
CHIEF JUDICIAL MAGISTRATE COURT, AMINI

ANNEXURE A2 TRUE COPY OF THE JUDGMENT DATED 16.12.2024
IN S.T. NO. 16 OF 2024 PASSED BY CHIEF
JUDICIAL MAGISTRATE COURT, AMINI ISLAND

RESPONDENT ANNEXURES

ANNEXURE R1 (A) THE TRUE PICTURE OF THE ONE OF THE POSTS
OF THE PETITIONER APPEARED IN THE
INSTAGRAM AND DOWN LOADED THROUGH INTERNET