

(2003) 12 SC CK 0105
In the Supreme Court Of India
Case No : Criminal Appeal No. 1473 of 2003

K.P. Mathew

APPELLANT

Vs

Paul Mathew and Another

RESPONDENT

Date of Decision : 05-12-2003

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2004) 1 RLW 153

Hon'ble Judges : S. Rajendra Babu, J;G. P. Mathur, J

Bench : Division Bench

Advocate : C.N. Sree Kumar, M.L. Shyjatha and K.R. Sasiprabhu, for the Appellant;

Final Decision : Allowed

Judgement

S. Rajendra Babu, J.—The Order of the Court was as follows : Leave granted.

2. A complaint was lodged stating that the appellant before us has committed an offence punishable u/s 138 of Negotiable Instrument Act and he was convicted and sentenced to undergo simple imprisonment for one year and was also imposed a fine of Rs. 1,25,000/- in default to undergo simple imprisonment for three months by order dated 20th August 1998 of the learned Magistrate.

3. Aggrieved by that order the matter was carried in appeal to the Sessions Court which affirmed the conviction and sentence imposed by the learned Magistrate.

4. The matter was further carried in revision to the High Court unsuccessfully.

5. Thereafter, the appellant has approached this Court by way of special leave.

6. During pendency of these proceedings the appellant has settled the matter with the contesting respondent and an affidavit has been filed by the first respondent which sets out that he has received a sum of Rs. 1,20,000/- in full and final settlement of the amount for which the cheque was issued. He has

urged that he has absolutely no objection in taking a lenient view to acquit, discharge or release the appellant before us.

7. In the circumstances set forth above, we think it appropriate to treat the offence as having been compounded and the appellant shall stand acquitted of the offences with which he was charged. The appeal is allowed by setting aside the order made by the High court affirming that of the Sessions Court and Magistrate and making an order as aforesaid.