

(2009) 11 KAR CK 0004

In the Karnataka High Court

Case No : Criminal Revision Petition No. 356 of 2008

Mithra Associates Developers, Planters Private Limited and
Another

APPELLANT

Vs

Poojappa

RESPONDENT

Date of Decision : 12-11-2009

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138

Citation : (2010) 2 BC 275 : (2010) 1 KarLJ 467

Hon'ble Judges : Jawad Rahim, J

Bench : Single Bench

Advocate : M. Varalakshmi, for the Appellant; Law Mens Company, for the Respondent

Judgement

Jawad Rahim, J.—The learned Counsel for petitioner and learned Counsel for respondent are present.

2. Both sides file an application u/s 147 of the Negotiable Instruments Act, 1881 (in short, "the N.I. Act") reporting settlement between the parties and seek permission to compound the offence.

3. Considering the nature of proceedings and the terms agreed upon permission is granted. The offence punishable u/s 138 of the N.I. Act is compounded. As envisaged under Sub-section (8) of Section 320 of the Criminal Procedure Code, 1973, it shall have the effect of acquittal of the accused.

4. In these terms the revision is disposed of.

Date: 1-12-2009

ORDER ON "FOR BEING SPOKEN TO"

5. Heard

6. This petition has been disposed of granting permission to compound the

offence by the order dated 12-11-2009. It is posted on the request of the learned Counsel for being spoken to.

7. Learned Counsel submits that, though the petition is disposed of the amount in deposit is still not released as there is no specific order about the same.

8. There need be no further modification to the order passed on 12-11-2009 as the petition has already been finally disposed of. However as regards amount in deposit is concerned, the Trial Court will have to disburse the same to the person entitled to. Undoubtedly, it is the complainant.

9. Hence, it is made clear the respondent-complainant is entitled to withdraw the amount in deposit. The Trial Court is directed to pass appropriate orders.