

(2011) 10 SC CK 0046

In the Supreme Court Of India

Case No : Criminal Appeal No. 1982 of 2011 (Arising out of Special Leave
Petition (Criminal) No. 6197 of 2011)

R. Raju

APPELLANT

Vs

K. Sivaswamy

RESPONDENT

Date of Decision : 31-10-2011

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138, 147

Citation : (2012) 1 BC 219 : (2012) BomCR(Cri) 343 : (2012) 1 SCC 223

Hon'ble Judges : H.L. Dattu, J; Chandramauli Kr. Prasad, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Leave granted.

2. This appeal is directed against the judgment and Order dated 23rd March, 2011 passed by the High Court of Judicature at Madras in Criminal Revision Case No. 1433 of 2007. By the impugned Jugement and Order, the High Court has confirmed the judgment and Order dated 13th August, 2007 of the Additional District and Sessions Judge cum Fast Track Court No. 2, Coimbatore, which had confirmed the judgment and Sentence of the Learned Judicial Magistrate No. 2, Pollachi, dated 21.11.2006 in C.C. No. 202 of 2004, whereby the appellant was convicted for an offence u/s 138 of Negotiable Instruments Act, 1881 (for short, "the Act") and sentenced to undergo one year simple imprisonment and to pay a fine of Rs. 5000/-, in default, to undergo simple imprisonment for three months.

3. During the pendency of this appeal, the Appellant had entered into a compromise with the complainant and the complainant has appeared through the Learned Counsel, who stated that the entire money has been received by the complainant and, therefore, he has no objection if the conviction already recorded u/s 138 of the Act is set aside.

4. Since the parties have arrived at a settlement and prayed for the

compounding of the offence as contemplated by Section 147 of the Act, it is not necessary for us to notice the facts leading up to institution of proceedings before this Court.

5. Since the parties have settled their disputes, we allow the parties to compound the offence, set aside the judgment of the Courts below and acquit the Appellant of the charges against him.

6. In our opinion, since the Appellant has wasted the public time, while setting aside the aforesaid orders, the Appellant should be burdened with exemplary costs, which we quantify at Rs. 50,000/- which shall be deposited by the Appellant before the National Legal Services Authority within three weeks from today. In case, the appellant defaults in depositing the amount, as ordered by us, the National Legal Services Authority is at liberty to move this Court for appropriate orders.

7. The appeal is, accordingly, allowed in the aforesaid terms.