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SLP(Crl.)No. 482 OF 2003  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2004  
(arising out of SLP(CRL.) No.482 of 2003)

B.C. Seshadri.....Appellant

Versus

B.N. Suryanarayana Rao .....Respondent

O R D E R

Heard learned counsel for the parties.  
Leave granted.

The appellant before us was convicted by the XIII Additional Chief Metropolitan Magistrate, Bangalore for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to pay a fine of Rs.20,000/- and in default to pay the same, to undergo simple imprisonment for four months.

The appeal filed against the said judgment of the trial court was dismissed by the First Additional Sessions Judge, Bangalore and a criminal revision petition filed under Section 482 of the Criminal Procedure Code was partly allowed by the High Court which held that the appellant should pay a fine twice the cheque amount, in default the appellant to undergo simple imprisonment for a period of one year. It is the said order of the High Court that is challenged in this appeal.

During the pendency of this appeal the parties have settled their dispute which is recorded by this Court by order dated 18th August, 2003. Now the appellant seeks for the compounding of the said offence. In view of the provision of Section 147 of the Negotiable Instruments Act, 1881 this Court in the case of Anil Kumar Haritwal and another vs. Alka Gupta and another, 2004 (3) SCC 366 has held such a compounding of the offences on the basis of parties settling their dispute is permissible. Since, the respondent states that he is willing to compound the offence we allow the appeal and direct that the offences be compounded as provided under Section 147 of the Negotiable Instruments Act, 1881.

The learned counsel for the appellant submits that pursuant to the direction of the trial court he has deposited a sum of Rs.20,000/- and in view of the settlement he is entitled to withdraw the same. We direct the trial court that the above said sum, if deposited, will be returned back to the appellant herein.

For the reasons stated above we set aside the sentence imposed on the appellant in view of subsequent events and allow this appeal.

.....J.  
( N. SANTOSH HEGDE )

.....J.  
( S.B. SINHA )

.....J.  
( A.K. MATHUR )

NEW DELHI,  
AUGUST 4, 2004.  
ITEM No.1

Court No. 2

SECTION II  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 482/2003

(From the judgement and order dated 23/09/2002 in CRLRP 667/02  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

B.C. SESHADRI

Petitioner (s)

VERSUS

B.N. SURYANARAYANA RAO

Respondent (s)

(With Appln(s). for stay )  
With office report

Date : 04/08/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner (s) Mr. S.K. Kulkarni, Adv.  
Mr. Gireesh Kumar, Adv.  
Mr. Ankur S. Kulkarni, Adv.  
Mr. Vijay Kumar, Adv.

For Respondent (s)

Mr. P.R. Ramasesh, Adv.

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

Heard learned counsel for the parties.

Leave granted.

The sentence imposed on the appellant is set aside  
and the appeal is allowed in terms of the signed order.

(PAWAN KUMAR) (PREM PRAKASH)  
COURT MASTER COURT MASTER  
(signed order is placed on the file)