

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl)... 2 0 0 6
C R L M P . N O (s) . 9 5 6

(From the judgement and order dated 1 8 / 0 8 / 2 0 0 5 in C R L R N o . 1 9 9 1 / 2 0 0
5 of
The H I G H C O U R T O F K E R A L A A T E R N A K U L A M)

A.R. MOHAN A N Petitioner(s)

V E R S U S

P A D M A N A B H A N N A I R V. & ANR. Respondent(s)

With C R L M P . 9 5 7 / 2 0 0 6 (c/delay in filing S L P and office report)

Date: 2 2 / 0 8 / 2 0 0 7 This Petition was called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E A S H O K B H A N
H O N ' B L E M R . J U S T I C E V . S . S I R P U R K A R

For Petitioner(s)
Mr. A. Raghun ath, Adv.

For Respondent(s) Mr. S. Vallinayaga m, Adv.

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

Delay condoned.
Leave granted.
Appeal allowed in terms of the signed order.

(J.S. Rawat) (Kanwal Singh)
AR- cum- P S Court Master

[Signed order is placed on th file].
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1114 OF 2007
(Arising out of SLP(Crl) No. 4904/2007 [CRLMP No.956])

A.R. Mohanan Appellant(s)

Versus

Padmanabhan Nair V. & Anr. Respondent(s)

ORDER

1. Delay condoned.
2. Leave granted.
3. Heard the counsel appearing for the parties.

4. The appellant had issued a cheque in the sum of Rs.3 lakhs in favour of the respondent-claimant. On presentation the cheque was dishonoured.

5. The complainant lodged a complaint against the appellant under Section 138 read with Section 142 of The Negotiable Instruments Act, 1881 (for short "the Act").

6. The learned trial court convicted the appellant under Section 138 of the Act and sentenced him to undergo simple imprisonment for three months and awarded compensation of Rs. 4 lakhs to the complainant.

7. The appellant being aggrieved against the order passed by the trial court, filed an appeal before the District and Sessions Judge who partially accepted the appeal and reduced the period of imprisonment from three months to one day and also reduced the amount of compensation from Rs.4 lakhs to Rs.3.25 lakhs and, in default, to undergo three months' simple imprisonment.

8. The High Court confirmed the order in revision, aggrieved against which the present appeal has been filed.

9. It is stated that a settlement has been arrived at between the parties and the entire amount due to the respondent-claimant has been paid. It has been prayed that the offence may be compounded in terms of Section 147 of the Act.

10. In the facts and circumstances of the instant case, since the settlement has been arrived at and the amount due to the complainant has been paid, the offence committed by the appellant is compounded in terms of the settlement arrived at between the parties. The appellant is acquitted of the charge levelled against him. The orders passed by the courts below are set aside.

11. The appeal stands allowed in the above terms. No order as to costs.

.....J.
(ASHOK BHAN)

New Delhi;
August 22, 2007.

.....J.
(V.S. SIRPURKAR)