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Cr1.A.No. 926 OF 1998  
ITEM No.115

Court No.11

SECTION II

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

Criminal Appeal No.926 of 1998.

JOSEPH J.KONDODY Appellant (s)

VERSUS

MICHAEL KURUVILLA Respondent (s)

Date : 10/03/2004 This petition was called on for hearing today.

CORAM :

HON'BLE MR.JUSTICE B.N. AGRAWAL  
HON'BLE MR.JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr.CN Sree Kumar,Adv.  
Mrs.Deepa,Adv.

For Respondent (s)Mr.Ramesh Babu MR,Adv.

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

Heard the parties for some time.  
The appeal is allowed in terms of the signed order.

[Naresh Kumar]  
AR-cum-PS

[Kanwal Singh]  
Court Master

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.926 OF 1998

JOSEPH J.KONDODY

...

APPELLANT (S)

VERSUS

MICHAEL KURUVILLA

...

RESPONDENT (S)

O R D E R

Heard the parties.

The sole appellant was charged and tried under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the Act) and by an order rendered by the trial court acquitted of the charge. On appeal being preferred by the complainant before the Kerala High Court the order of acquittal has been reversed and the appellant has been convicted under Section 138 of the Act and sentenced to undergo simple imprisonment for a period of three months and to pay fine of Rs.3000/-; in default, to further undergo simple imprisonment for a period of one month. Hence this appeal by special leave.

Learned counsel appearing on behalf of the parties stated that the parties have compromised the matter and filed a petition before this Court for grant of permission to compound the offence. In the facts and circumstances of the case, in our view, it is a fit case for according permission to the parties to compound the offence. In view of these facts the appeal is allowed and the impugned judgment rendered by the High Court is set aside in view of the compounding.

.....J.  
( B.N. AGRAWAL )

.....J.  
( D.M. DHARMADHIKARI )  
New Delhi,  
March 10, 2004.