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SLP(Crl.)No. 1106 OF 2000

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 350 of 2001@@

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(Arising out of S.L.P. (Crl.) No. 1106 of 2000)

P. Narasimha

..Appellant

Vs.

Smt. K. Bharat Laxmi

..Respondent

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.SP2

Leave granted.

Appellant has been convicted under Section 138 Negotiable Instruments Act and was sentence to undergo simple imprisonment for a period of six months and to pay a fine of Rs. 1000/-. The Sessions Court confirmed the conviction and sentence on the appeal filed by him. However, the High Court while confirming the conviction in a revision filed by the appellant reduced the sentence of imprisonment to a period of three months while the fine has been maintained as it was ordered.

The High Court has noticed that the total amount would reach Rs. 24,000/-. We issued notice on the Special Leave Petition limited to the quantum of sentence on the ground that appellant's counsel submitted before us that the entire amount covered by the cheque has been paid to the complainant-respondent. Though notice has been served on the complainant-respondent she has not chosen to appear and ..2/-

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dispute the said fact. That apart, learned counsel for the appellant has shown a photocopy of the draft of Rs. 24,000/- which is said to have been dispatched to the complainant-respondent.

We believe the stand of the appellant that the amount covered by the cheque had been paid.

We, therefore, reduce the period of imprisonment to the period already undergone by the appellant. However, the sentence of fine will stand enhanced to Rs. 5,000/-. The said fine amount shall be remitted in the trial court, within four weeks in default of payment of fine he is directed to undergo simple imprisonment for a period of three months.

This appeal is disposed of accordingly.

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.....J.@@

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(K.T. THOMAS)@@

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.....J.@@

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(R.P. SETHI)@@

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NEW DELHI@@

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MARCH 23, 2001 @@

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Smt. K. Bharat Laxmi

..Respondent

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.SP2

Leave granted.

Appellant has been convicted under Section 138 Negotiable Instruments Act and was sentence to undergo simple imprisonment for a period of six months and to pay a fine of Rs. 1000/-. The Sessions Court confirmed the conviction and sentence on the appeal filed by him. However, the High Court while confirming the conviction in a revision filed by the appellant reduced the sentence of imprisonment to a period of three months while the fine has been maintained as it was ordered.

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We, therefore, reduce the period of imprisonment to the period already undergone by the appellant. However, the sentence of fine will stand enhanced to Rs. 5,000/-. The said fine amount shall be remitted in the trial court, within

.SP2

Leave granted.

Appeal is disposed of in terms of the signed order.

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(N.K. Goel)
Court Master

(H.K. Bhatia)
Court Master

(Signed order is placed on the file)