

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)... 2013
CRLMP.NO(s). 5851/2013

(From the judgement and order dated 05/09/2008 in CRLRP No.3158/2008, of
The HIGH COURT OF KERALA AT ERNAKULAM)

PRASHOB Petitioner(s)

VERSUS

STATE OF KERALA & ANR Respondent(s)

(With appln(s) for c/delay in filing SLP and extension of time for
depositing the money)

Date: 22/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. P.V. Dinesh,Adv.
Ms. Sindhu T.P.,Adv.
Mr. Bineesh K.,Adv.
Mr. Sunil K. Tripathy,Adv.
Mr. Kedar Nath Tripathy,Adv.

For Respondent(s)

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

Heard.

The trial court had convicted the petitioner for an offence punishable under Section 138 of the Negotiable Instrument Act and sentenced him to undergo simple imprisonment for a period of six months and to pay compensation in a sum of Rs.2,50,000/- to the complainant in terms of Section 357(3) of Code of Criminal Procedure. In default of payment, the petitioner was directed to undergo simple imprisonment for a further period of two months.

An appeal against the said judgment and order having failed, the petitioner preferred Crl. Rev. Pet. No.3158 of 2008 before the High Court of Kerala at Ernakulam in which a Single Bench of the High Court has, while upholding the conviction of the petitioner, sentenced him to pay a fine of Rs.2,60,000/- to be paid to the complainant towards compensation. In default of payment of compensation amount, the petitioner has been sentenced to undergo simple imprisonment for a period of three months.

When this petition came up before the learned Judge, In-chambers, on 15th April, 2011, for orders on the prayer for exemption from surrendering, the learned Judge directed the petitioner to deposit a sum of Rs.2,50,000/- with the trial court within four weeks and furnish proof thereof. Subject to such proof of deposit, the petitioner was exempted from surrendering. On 5th July, 2013 when the matter came up before us, learned counsel for the petitioner submitted, on instructions, that a sum of Rs.2,60,000/-, has already been paid to the complainant in terms of a settlement. He was granted four weeks' time for filing proof of deposit and a copy of the settlement deed arrived at between the parties. Counsel for the petitioner submits that despite his best efforts, the petitioner has not responded to either furnish proof of deposit or a copy of the settlement deed.

He seeks a final opportunity to do so.

In the circumstances, therefore, we grant six weeks' time finally to furnish proof of deposit of the amount and to place on record the settlement deed allegedly executed between the parties.

We further direct that in case the needful is not done within time granted, this special leave petition shall stand dismissed without any further reference to the Bench and a copy of this order forwarded to the trial court concerned for appropriate action in accordance with law.

|(Mahabir Singh)
| Court Master

| (Veena Khera)
| Court Master

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