

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(s).2329/2005

(From the judgement and order dated 02/11/2004 in CRLA No. 589/1999
of The

HIGH COURT OF KERALA AT ERNAKULAM)

C.T. MOIDEEN

Petitioner(s)

VERSUS

U.M. KUNHABDULLA

Respondent(s)

(With appln(s) for stay and recording the settlement and for disposing t
he petition in

terms of settlement between the parties and office report))

Date: 23/04/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s)

For Respondent(s)

Mr. T.G. Narayanan Nair,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The Appeal is disposed of in terms of the signed order.

(Parveen Kr. Chawla)

Court Master

[Signed Order is placed on the File]

(Kanwal Singh)

Court Master

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 609 OF 2007

(Arising out of SLP(Crl.) No.2329/2005)

C.T. Moideen

..Appellant

Versus

U.M.Kunhabdulla

..Respondent

O R D E R

Leave granted.

Appellant had taken a handloan of Rs.60,000/- from the respondent-complainant. For the re-payment of the said liability, appellant issued a cheque on 30.08.1996 in the sum of Rs.60,000/-. On presentation the cheque was not honoured for want of sufficient

amount. Respondent, after issuing notice, filed a complaint under Section 138 of the Negotiable Instruments Act, 1881. It was contended on behalf of the appellant that there was a matrimonial dispute between the complainant's daughter and her husband and the appellant was the mediator between them. It was agreed that the husband of the complainant's daughter will give Rs.2,25,000/- to the complainant's daughter to get divorce from her and accordingly a sum of Rs.2,15,000/- was paid and for the balance the appellant being mediator gave a cheque for Rs.10,000/- which was later on altered to Rs.60,000/- and presented to the bank for payment.

Trial Court accepted the defence put up by the appellant and acquitted him of the charge levelled against him.

Complainant, being aggrieved, filed appeal in the High Court. The High Court by the impugned order reversed the acquittal granted by the trial Court and found the appellant guilty and sentenced him of simple imprisonment till the rising of the court and also to pay a compensation of Rs.60,000/-.

Being aggrieved, the present appeal has been filed.

Heard counsel for the respondent. Even on the second call, counsel for the appellant is not present.

This Court on 4.4.2005 directed the appellant to deposit Rs.60,000/- with the Registrar General of this Court. On 25.4.2005, the said sum was directed to be invested in Fixed Deposit with the UCO

Bank, Supreme Court Compound, New Delhi, initially for a period of six months, so that it may earn some interest.

Keeping in view of the fact that the appellant has already served the sentence of till the rising of the Court and the amount of Rs.60,000/- has already been deposited by the appellant with the Secretary General of this Court there is no need to pursue the matter any further. The same is put to an end.

The sum of Rs.60,000/- lying deposited with the Secretary General be paid to the respondent along with interest accrued thereon, within a month from today.

The Appeal is disposed of accordingly.

.....J.
[ASHOK BHAN]

NEW DELHI;
APRIL 23, 2007.

.....J.
[V.S.SIRPURKAR]