

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(s). 1354-1356 OF 2003

JOSEPH MOOLAYIL

Appellant (s)

VERSUS

V.A. CHACKO & ANR.

Respondent(s)

Date: 23/11/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. M.s. Ganesh, Sr. Adv.

Ms. Beena Prakash, Adv.

Mr. G. Prakash, Adv.

For Respondent(s)

Mr. M.T. George, Adv.

No. 1

No. 2

Mr. Ramesh Babu M.R., Adv. (NP)

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeals are dismissed in terms of the signed order.

[ Charanjeet Kaur ]

[ Om Pr

akash ]

Court Master

Court

Master

[ Signed order is placed on the file ]



limitation provided under law. Having gone through the materials placed before us, we are of the view that no delay was caused in filing any of the three complaints.

Learned counsel next submitted that in the event of non-payment of fine, the High Court was not justified in directing that the accused shall undergo simple imprisonment for a period of three months on each count as the remedy of the complainant was to file a civil suit for realization of the aforesaid amount. We do not find any substance in the submission.

There is nothing to show why a distinction should be made in case, a fine is not paid in relation to offences under the Indian Penal Code vis-a vis offence under Section 138 of the Act. This being the position, we do not find any merit in these appeals.

The appeals, accordingly, fail and the same are dismissed.

.....J[ B.N. AGRAWAL ]

.....J[ A.K. MATHUR ]

NEW DELHI,

NOVEMBER 23,2005.