

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.700 OF 2009

JACOB THOMAS

...APPELLANT(S)

VERSUS

K.A. CHACKO AND ANR.

...RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Kerala at Ernakulam in Criminal Appeal No.150 of 2002, dated 07.01.2008.

2. By the impugned judgment and order, the High Court has reversed the order of acquittal passed by the learned Magistrate and found the appellant -herein guilty of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the Act') and sentenced him to undergo imprisonment for a period of six months and to pay the cheque amount of Rs.83,500/- as compensation to the respondent No.1-herein.

3. We have heard learned counsel for the parties to the *lis*.

4. Both the learned counsel would submit that, during the pendency of the appeal, the parties have

entered into a settlement. In support of the same, learned counsel for the appellant has filed an unnumbered application for compounding of the offence under Section 147 of the Act. We take on record the application filed by the learned counsel for the appellant.

5. In view of the settlement arrived at between the parties, we permit them to compound the offence as provided under Section 147 of the Act on the condition that the appellant shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as costs in the Supreme Court Legal Services Committee within four weeks' time from today for wasting precious time of this Court.

6. If such amount is not paid by the appellant, the aggrieved party is at liberty to initiate appropriate revenue recovery proceedings for recovery of the said amount.

7. Accordingly, we allow this appeal and set aside the judgment and order passed by the High Court.

8. We are informed that pursuant to the directions issued by this Court, the appellant has already deposited

a sum of Rs.83,500/- (Rupees Eighty Three Thousand and Five Hundred only) before the Registry of this Court. That amount must have been in a Fixed Deposit. If that is so, we direct the Registry to refund the aforesaid amount, along with accrued interest, to respondent No.1 within 15 days' time from today.

9. The appellant is on bail. His bail bonds are discharged.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(ARUN MISHRA)

NEW DELHI,
SEPTEMBER 09, 2015.

ITEM NO.9

COURT NO.1

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 700/2009

JACOB THOMAS

Appellant(s)

VERSUS

K.A. CHACKO & ANR.

Respondent(s)

Date : 09/09/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. E. M. S. Anam, Adv.

For Respondent(s) Mr. Bobby Augustine, Adv.
Mr. Ranjith K. C., Adv.Ms. Liz Mathew, Adv.
Mr. M. F. Philip, Adv.UPON hearing the counsel the Court made the following
O R D E RAppeal is allowed and the judgment and order passed by
the High Court is set aside, in terms of the signed order.

(G.V.Ramana)

AR-cum-PS

(Signed order is placed on the file)

(Charanjeet Kaur)

AR-cum-PS