

ITEM NO.2

COURT NO.11

SECTION IIB

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 (CrI)... 2012
CRLMP.NO(s). 8993

(From the judgment and order dated 31/01/2012 in CRLA
No.353/2005 of The HIGH COURT OF KERALA AT ERNAKULAM)

THULASEEDHARAN NAIR Petitioner(s)

VERSUS

T.V.PETER & ANR Respondent(s)
(With appln(s) for exemption from surrendering)

Date: 27/04/2012 This Petition was called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
(IN CHAMBERS)

For Petitioner(s) Dr. S. Gopakumaran Nair, Sr.Adv.
Mr. T.G. Narayanan Nair, Adv.
Mr. K.N. Madhusoodhanan, Adv.

For Respondent(s)

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

This is an application seeking exemption from
surrender in a case relating to Section 138 of
the Negotiable Instruments Act since the cheque
issued to the petitioner for a sum of
Rs.3,80,000/- had bounced. After conclusion of
the trial, the petitioner has been convicted and
sentenced for the aforesaid offence. In so far as
the sentence is concerned, it has been ordered
that he may pay the cheque amount along with the
compensation which comes to Rs.4 lacs and in case

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he does not pay this amount he has been directed
to undergo sentence for a period of three months.

The petitioner has neither paid the amount
of compensation nor he has surrendered to undergo
the sentence but has filed the special leave
petition before this Court wherein he has sought
exemption from surrender.

Since the petitioner has not yet paid the
amount of compensation, application seeking
exemption from surrender is not fit to be
allowed. However, effort has now been made by
the learned counsel for the petitioner who stated
that if some time is granted to the petitioner to
deposit the compensation amount, he would be in a
position to comply with the order passed by the
courts below.

For this purpose, he has sought three months
time to deposit the amount before the trial
court.

Considering the entire circumstance, one

more opportunity is granted to the petitioner to deposit the total amount of compensation which is Rs. 4 lacs in the trial court within a period of three months. The said amount be deposited on or before 31st July, 2012 failing which the special leave petition shall stand dismissed without further reference to the Court.

However, the amount so deposited shall not be disbursed to the respondent until the special leave petition is considered on merits at the stage of admission.

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The application seeking exemption from surrender be treated as disposed of in view of the aforesaid directions.

(KUSUM SYAL)
SR.P.A

(MITHLESH GUPTA)
COURT MASTER