

SLP(Crl.)No. 2244 OF 2003

ITEM No.43

Court No. 8

SECTION II
A/N MATTER

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. 2244/2003

(From the judgement and order dated 28/03/2003 in CRLRP 263/2003
of The HIGH COURT OF KERALA AT ERNAKULAM)

JEEVANBOSE @ GOPI KALASSERY

Petitioner (s)

VERSUS

STATE OF KERALA & ORS.

Respondent (s)

(With appln(s). for stay and impleading party)

With S.L.P. (Crl.) No...../2004 (Crl.M.P. No. 8925/2003)
(For exemption from surrendering and c/delay in filing SLP)

Date : 19/01/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. T. Raja,Adv.

For Respondent (s)Mr. P.V. Yogeswaran,Adv.

Mr. K.R. Sasiprabhu,Adv.

Mr. L. Nageswara Rao,ASG.

Mr. Rajiv Nanda,Adv.

Ms. Sushma Suri,Adv.

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

Heard the learned counsel for the parties for a while.

Application for impleadment is allowed.

Delay condoned.

Leave granted.

The criminal appeals are disposed of.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 72 OF 2004
(Arising out of S.L.P. (Crl.) No. 2244 of 2003)

Jeevanbose @ Gopi Kalassery ...Appellant(s)

Versus

State of Kerala & Ors. ...Respondent(s)

W I T H

Criminal Appeal No. 73 of 2004
(Arising out of S.L.P. (Crl.) No. 305 of 2004)
(Crl.M.P. No. 8925/2003)

O R D E R

Delay condoned.
Leave granted.

At the hearing, the learned counsel for the parties submitted that the proceedings were initiated under Section 138 of the Negotiable Instruments Act, 1881, by the respondent-sister against the petitioner-brother. On trial, the petitioner was found guilty. He was convicted and sentenced to undergo imprisonment for a period of one year. During the pendency of the proceedings before this Court in these appeals, the brother and sister have settled the dispute. The petitioner has already undergone the sentence for a period of one month. In these circumstances, the learned counsel, on either side, submitted that the sentence

...2/-

- 2 -

already undergone by the petitioner may be considered sufficient, taking note of the settlement arrived at between the brother and the sister and the order of sentence may be modified to that extent. The learned counsel for the petitioner added that this Court in K.L. Kunjappan vs . Rafeeqe & Anr. (2002 (8) S.C.C. 181) and Sivasankaran vs. State of Kerala & Anr. (2002 (8) S.C.C. 164) has passed similar orders. Under these circumstances, we dispose of the appeals by modifying the order of sentence to the period already undergone by the petitioner.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
January 19, 2004.