

ITEM NO.29

COURT NO.10

SECTION II-A

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 10697/2018

(Arising out of impugned final judgment and order dated 26-02-2018 in MCRC No. 10254/2017 13-07-2017 in CRR No. 523/2016 passed by the High Court Of Madhya Pradesh At Gwalior)

MAHENDRA KHATIK

Petitioner(s)

VERSUS

RAJEEV DHANAWAT

Respondent(s)

(FOR ADMISSION and I.R. and IA No.52863/2018-CONDONATION OF DELAY IN FILING and IA No.52866/2018-EXEMPTION FROM FILING O.T.)

Date : 14-05-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. Anoop Kr. Srivastav, AOR  
Mr. Vijay Pal Sharma, Adv.  
Mr. Umesh Chandra Srivastav, Adv.  
Mr. Vipin Kr. Saxena, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Heard.

Delay condoned.

The petitioner has been sentenced to undergo rigorous imprisonment for six months and to pay compensation of Rs.2,30,000/- (Rupees two lakhs thirty thousand) in a proceedings under Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioner states that the matter was settled between the parties and the amount was paid which could be a justification to set aside the sentence of imprisonment.

...2/-

However, we find that the petitioner withdrew the application for recall against which order this petition(s) has been filed. Learned counsel for the petitioner states that the withdrawal was under some mistake.

If it is so, we permit the petitioner to move the High Court again. In case the High Court is satisfied that the payment has been made and matter settled, the High Court may consider the application for setting aside the sentence of imprisonment.

The special leave petitions are accordingly disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER