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ITEM NO.4

COURT NO.9

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 (Crl)... 2012
CRLMP.NO(s). 12130

P.S. NAGARAJU Petitioner(s)

VERSUS

M. MUNIRAJU Respondent(s)

(With appln(s) for exemption from surrendering and Office Report on Default)

Date: 21/08/2012 This Petition was called on for hearing today.

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

For Petitioner(s) Mr. Krutin R. Joshi, Adv.
Mr. Joseph Aristotle S., Adv.
Mr. Priya Aristotle, Adv.

For Respondent(s)

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

The petitioner herein has filed this application seeking exemption from surrender in a matter in which, he stands convicted under the Negotiable Instruments Act for bouncing of a cheque for a sum of Rs. 4.5 lakhs. The High Court had directed the petitioner to pay the Cheque amount which was bounced and had been issued by the petitioner.

The sentence, although, is relatively of a short duration, the fact remains that the said sentence has been imposed for non-payment of the fine amount. The petitioner cannot be allowed to have both the benefits, i.e., on one hand, he has failed to pay the fine amount and on the other, he is claiming exemption from surrender.

Counsel for the petitioner, however, has sought eight weeks' time to seek instructions in the matter, which is allowed.

Thus, the petitioner is directed to deposit the fine amount within a period of eight weeks, failing which, his application seeking exemption from surrender shall be treated as dismissed.

| (Jayant Kumar Arora)
| Sr. P.A.

| | (S.S.R.Krishna)
| | Court Master