

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 85 OF 2001

B. SADASIVAN PILLAI Appellant (s)

VERSUS

L. KAMALAMMA & ANR. Respondent(s)
(With prayer for interim relief and office report)

Date: 16/07/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Appellant(s) Sri T.L. Viswanatha Iyer, Sr.Adv.
Mr. T.G. Narayanan Nair,Adv.

For Respondent(s) Mr B V Deepak,Adv.
Mr. G. Prakash ,Adv

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.
The appeal is disposed of in terms of the signed order.

(Madhu Bala) (Vijay Agrawal)
Sr.PA Court Master

(Signed order is placed on the file.)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 85 OF 2001

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ORDER

Heard learned counsel for the parties.

In the affidavit filed on 10.04.2007, it has been indicated that in the civil suit in respect of the amount covered by cheque, a decree was passed and the amount covered by the decree, has been partially satisfied.

In this way, more than Rs.7 lakh, which was the amount of compensation fixed under Section 357(3) Cr.P.C. 1973, has already been recovered. In that view of the matter, we modify the impugned order to the extent that sentence shall be to the extent of the period already undergone, which is stated to be more than 100 days. In view of the admitted position that more than Rs. 7 lakh has been paid to the respondents, no further amount towards compensation under Section 357(3) Cr.P.C. need be paid. The appeal is disposed of accordingly.

.....J.
(Dr.Arijit Pasayat)

New Delhi;
July 16, 2008.

.....J.
(Dr.Mukundakam Sharma)