

8ITEM NO.3 COURT NO.10 SECTION II
SUPR EME COUR T OF I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4488/2009
(From the judgement and order dated 06/04/2009 in CRLMA No. 3705/2009
in CRLMA No. 6151/2003 in unnumbered Cr.R.P. of 2003 of The HIGH
COURT OF KERALA AT ERNAKULAM)

K.S.MURALI Petitioner(s)

VERSUS

K.R.SUNIL KUMAR & ANR. Respondent(s)
(With appln(s) for suspension of sentence and permission to compound the
offence)

Date: 23/07/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr. Siddharth Aggarwal, Adv.
Mr. Simon Benjamin, Adv.for
Mr. Nikhil Nayyar,Adv.

For Respondent(s) Mr.Senthil Jagadeesan,Adv.

UPON hearing counsel the Court made the following
ORDER
Issue notice.

Leave granted.

The Appeal is allowed in terms of the signed order. The
impugned judgment of the High Court as well as of the Trial
Court convicting the appellant under Section 138 of the
Negotiable Instruments Act are set aside and the appellant is
ordered to be acquitted and released forthwith, if not required in
any other case.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2009
(Arising out of S.L.P.(Criminal) No.4488 of 2009)

K.S.Murali ..Appellant

versus

K.R.Sunil Kumar & Another ..Respondent

ORDER

Issue Notice.

Learned counsel for the respondent(s) is present on
caveat. He waives notice and states that the amount in question

has been paid to the respondent(s) and he has no objection, on instructions, for compounding the offence.

With the consent of the parties, the matter is taken up for final disposal.

Leave granted.

Since, the amount in question has been paid, as stated by the learned counsel for the respondent(s) and he has no objection for compounding the offence, we compound the offence.

Accordingly, we allow this appeal, set aside the impugned judgment of the High Court as well as of the Trial Court convicting the appellant under Section 138 of the

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Negotiable Instruments Act and the appellant is ordered to be acquitted and released forthwith, if not required in any other case.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JULY 23, 2009.

.....J.
[V.S. SIRPURKAR]