

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(s).4652/2011

(From the judgement and order dated 08/04/2011 in CRLMC No.1154/2011 of The HIGH COURT OF ORISSA AT CUTTACK)

GYANARANJAN PATNAIK

Petitioner(s)

VERSUS

STATE OF ORISSA & ANR

Respondent(s)

(With appln(s) for bail and office report)

Date: 26/02/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Ms. Manjula Gupta,Adv.
Mr. Devendra Kumar Singh,Adv.

For Respondent(s) Ms. Punam Kumari,Adv.
No.2:

For Respondent No.1: Mr. Radha Shyam Jena,Adv.
Mr. P.K. Biswal,Adv.

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

Leave granted.

The criminal appeal is allowed.

The appellant, who is on bail, is discharged from the liability of bail bonds.

[T.I. Rajput]
A.R.-cum-P.S.

[Juginder Kaur]
Assistant Registrar

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.354 OF 2013
(Arising out of S.L.P. (Crl.) No.4652 of 2011)

Gyanaranjan Patnaik

...Appellant(s)

Versus

State of Orissa & Anr.

...Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgement and order dated 8th April, 2011, passed by the Orissa High Court in Criminal M.C. No.1154 of 2011, rejecting the prayer of the parties to permit them to compound the offence under Section 138 of the Negotiable Instruments Act, 1881, in its jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 ['Code', for short].

As far as the impugned order is concerned, the High Court appears to have very correctly interpreted the provisions, having particular regard to Section 362 of the Code. However, the said provision does not fetter the powers of the Supreme Court in allowing the prayer, as made on behalf of the parties.

The parties, having settled their disputes and there being a provision under Section 147 of the aforesaid Act to allow the parties to compound the offence, in exercise of our jurisdiction under Article 142 of the Constitution, we allow the application for compounding and, consequently, the appellant shall stand acquitted of the charge against him, in

...2/-

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view of the provisions of Section 320(8) of the Code.

The criminal appeal is allowed accordingly.

The appellant, who is on bail, is discharged from the liability of bail bonds.

.....CJI.
[ALTAMAS KABIR]

.....J.
[ANIL R. DAVE]

.....J.
[VIKRAMAJIT SEN]

New Delhi,

February 26, 2013.

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