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ITEM NO.17

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). 17458

N.PRABHAKARAN Petitioner(s)

VERSUS

G.KARTHIKEYAN AND ANR. Respondent(s)

(With appln(s) for exemption from surrendering)

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. C.N. Sree Kumar, 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 Section 138 of the Negotiable Instruments Act for bouncing of a cheque and has been sentenced to undergo imprisonment till the rising of the Court with a fine of Rs.1,50,000/-, payable by the petitioner to the respondent-complainant, which is under challenge in the Special Leave Petition.

Learned counsel for the petitioner ought to realise that the petitioner cannot be allowed to have dual benefits, i.e., on one hand, he has failed to pay the amount of compensation and on the other, he is claiming exemption from surrender.

Counsel for the petitioner, however, has sought two weeks' time to deposit the amount with the Trial Court, which is allowed. He is directed to file the proof of deposit of fine amount in this Court within two weeks.

If he deposits the amount and files the proof thereof within the aforesaid period, his application seeking exemption from surrender shall be treated as allowed.

In the event of his failure to deposit the amount within the aforesaid period, his application seeking exemption from surrender shall be treated as dismissed.

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

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

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