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ITEM NO.54

COURT NO.8

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 912 OF 2009

RADHEY SHYAM GARG Appellant (s)

VERSUS

NARESH KUMAR GUPTA Respondent(s)

(With office report for direction)

Date: 04/01/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s) Mr. Tenve Mehta, Adv.

Mr. Prabjit Jauhar, Adv.

Ms. Anumpa Kaul, Adv.

Mr. S.S. Jauhar, Adv.

For Respondent(s) Respondent-In-Person

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

The appeal stands disposed of, in terms of the signed
orsder.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master

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

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 912 OF 2009

RADHEY SHYAM GARG ..APPELLANT

VERSUS

NARESH KUMAR GUPTA ..RESPONDENT

O R D E R

The respondent appears in person.

The respondent has initiated proceedings under Section 340
Cr.P.C. against the appellant in this case. In so far as the main

controversy is concerned, the proceedings were initiated under Section 138 of the Negotiable Instruments Act, 1881 where the issue pertained to non encashment of a cheque valuing ` 2,20,000/- (Rupees Two Lakhs Twenty Thousand). As against the aforesaid claim, we are informed that the matter has been settled inasmuch as the appellant has paid to the respondent a sum of ` 3,20,000/- (Rupees Three Lakhs Twenty Thousand).

During the course of hearing of this case on the last date, the respondent stated that he would not press the petition filed by him under Section 340 of the Criminal Procedure Code in case the claim raised by his brother against the appellant on non-encashment of a cheque amounting to `2,00,000/- (Rupees Two Lakhs) is also settled.

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Having sought instructions, learned counsel for the appellant states that the appellant would pay to the respondent a sum of ` 3,00,000/- (Rupees Three Lakhs) in three equal instalments, as a final settlement between the parties. This proposal made by the appellant is acceptable to the respondent.

Having considered the issue in hand, we direct the appellant to pay a sum of ` 1,00,000/- (Rupees One Lakh) to the respondent, as a first instalment on or before 31st January, 2013. The balance two instalments of ` 1,00,000/- (Rupees One Lakh) each, shall be paid by the appellant to the respondent by the end of February and March, 2013 respectively.

If and when the aforesaid amount is paid, the petition filed by the respondent under Section 340 Cr.P.C. shall stand withdrawn. Likewise, the petition filed against the appellant by Keshav Ram Gupta, the brother of the respondent shall also stand settled.

The appeal stands disposed of accordingly.

.....J.
[DR. B.S. CHAUHAN]

NEW DELHI
JANUARY 4, 2013

.....J.
[JAGDISH SINGH KHEHAR]