

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CRL.M.P. NO. 17455 OF 2009 IN  
Petition(s) for Special Leave to Appeal (CrI)... 2010

(From the judgement and order dated 28/07/2009 in CRLRC No.  
459/2007 of The HIGH COURT OF MADRAS)

V.THANGARAJ Petitioner(s)

VERSUS

R.SUBRAMANI Respondent(s)  
(For exemption from surrendering,permission to compound the  
offence and office report)

WITH

SLP(CrI) NO. 9802 of 2009  
(With appln. for bail and exemption from filing O.T.)

Date: 01/02/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Jayanth Muth Raj, Adv.  
Ms. Malavika G., Adv.  
Mr. Nishe Rajen Shonker,Adv.

For Respondent(s) Mr. P.V. Dinesh, Adv.  
Mr. C.K. Sasi,Adv.

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

Leave granted.

The appeals are allowed; orders of conviction  
passed by the High Court as well as by the trial Court  
are set aside and the complaint filed by the  
complainant is disposed of.

[ Charanjeet Kaur ] [ Pushap Lata Bhardwaj ]  
Court Master Court Master

[ Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 223 OF 2010  
(Arising out of SLP(CrI.)886/2010 WITH  
CRL.M.P. NO. 17455 OF 2009)

V. Thangaraj .. Appellant(s)

Versus

R Subramani .. Respondent(s)

CRIMINAL APPEAL NO. 222 OF 2010  
(Arising out of SLP(CrI.) NO. 9802/2009)

O R D E R

Leave granted.

These appeals are directed against a common order dated 28th July, 2009 passed by the High Court of Judicature at Madras in Crl.Revision Case Nos. 459 & 449 of 2007.

By the impugned order, the High Court while sustaining the conviction of the appellant for offence under Section 138 of the Negotiable Instruments Act, 1881, (for short, "the Act") has reduced the sentence awarded by the Trial Court and directed the appellant to undergo simple imprisonment for a period of six months and two months in Crl.Revision Case Nos. 459 and 449 of 2007 respectively in addition to the fine imposed by the Trial Court.

During the pendency of the special leave petitions, the appellant is stated to have approached the complainant and has arrived at a settlement with him. In terms of the settlement, the appellant has agreed to pay to the complainant the cheque amounts.

..2/-

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In view of the settlement, applications have been filed by the appellant, in both the appeals, praying for compounding of the offence.

We have heard learned counsel for the parties.

Learned counsel appearing on behalf of the complainant acknowledges the receipt of the amounts against the cheques in question, as mentioned in the applications. In view of the said settlement, we do not find any impediment in compounding the offence in terms of Section 147 of the Act.

Accordingly, we allow the appeals; set aside the orders of conviction passed by the High Court as well as by the trial Court and dispose of the complaint filed by the complainant accordingly.

.....J.  
[ D.K. JAIN ]

.....J.  
[ T.S. THAKUR ]

NEW DELHI,  
FEBRUARY 01, 2010.