

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).8940/2009

(From the judgement and order dated 14/07/2009 in CRLRA No.
458/2007 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

SURENDRAPAL SINGH CHAWLA Petitioner(s)

VERSUS

STATE OF GUJARAT & ANR. Respondent(s)

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

Date: 06/07/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. V.Sudeer, Adv.
Mr. M.B.R.S. Raju, Adv.
Ms. S.Sunita, Adv.for
Mr. Balaji Srinivasan,Adv.

For Respondent(s) Mr. Arvind Kumar Patel, Adv.
Mr. Raj Kishor Choudhary, Adv.
Mr.Jitendra Kumar,Adv.

Ms. Jesal, Adv. for
Ms. Hemantika Wahi ,Adv

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

Leave granted.

The Appeal is disposed of in terms of the signed
order.

(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. 1160 OF 2010
(Arising from S.L.P.(Crl.) No.8940 of 2009)

Surendrapal Singh Chawla ..Appellant

versus

State of Gujarat & Another ..Respondents

O R D E R

Leave granted.

Heard learned counsel for the parties.

The Trial Court vide its judgment dated 09th March, 2007 convicted the appellant under Section 138 of the Negotiable Instruments Act, 1881 and sentenced him to undergo simple imprisonment for one year and to pay fine of Rs.10,000/-, in default whereof to undergo further simple imprisonment for forty five days. His appeal was dismissed by the learned Sessions Judge vide judgment dated 23th July, 2007.

Being aggrieved, the accused filed a criminal revision before the High Court of Gujarat at Ahmedabad which has been dismissed by the impugned order. Hence, this appeal.

By order dated 20th November, 2009, this Court allowed the application for exemption from surrendering of the appellant on the ground that the learned counsel for the appellant handed over the demand drafts for a sum of Rs.10 lacs to the learned counsel for the complainant which

-2-

has been accepted by the complainant. On 16th December, 2009, while issuing notice, this Court released the appellant on bail to the satisfaction of the trial Court.

State as well as the complainant are represented.

Having heard learned counsel for both sides and having carefully perused the record and to do substantial justice between the parties, especially when the principal amount of Rs.10 lacs has been paid and accepted by the complainant, we are of the opinion that ends of justice will be sub-served if, while maintaining the conviction of the appellant, we alter the sentence to the period already undergone by him on the condition that the appellant shall pay interest at the rate of 10% (ten percent) per annum on

the principal amount of Rs.10 lacs from September, 2005
till March, 2010 along with a fine which we increase to
Rs.25,000/- instead of Rs.10,000/. We order accordingly.

The appellant shall be at liberty to withdraw any amount
deposited by him in the courts below.

Since, the appellant is already on bail, his bail
bonds shall stand discharged.

The Appeal is disposed of in the above terms.

.....J.
[MARKANDEY KATJU]

NEW DELHI;J.
July 06, 2010 [T.S. THAKUR]