

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No. 1115-1116/2020 in SLP(Cr1) Nos. 4428-4429/2019

DIPTI RANJAN MOHAPATRA

Petitioner(s)

VERSUS

MAYADHAR NAYAK (DEAD) THR. LRS. & ANR.
(IA No. 46306/2020 - RECALLING THE COURTS ORDER)

Respondent(s)

Date : 15-05-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. Krishna Dev Jagarlamudi, AOR

For Respondent(s) Mr. Suvendu Suvasis Dash, AOR
Ms. Swati Vaibhav, Adv.
Ms. Shruti Vaibhav, Adv.
Mr. Prabhu Prasanna Behera, Adv.
Mr. Thakur Sangram Singh, Adv.

Ms. Anindita Pujari, AOR
Mr. Abhineet Arvind, Adv.
Mr. Maitreya Saha, Adv.
Ms. Radhika Mohapatra, Adv.

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

The petitioner was concurrently convicted by all the Courts for committing the offence under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo six months imprisonment besides paying ₹ 5 Lakhs compensation. The original cheque amount was ₹ 3.75 Lakhs.

During the pendency of proceedings, the original complainant passed away. His legal heirs / legal representatives were brought on the record. Pursuant to the order of this Court

dated 19.06.2020, the petitioner deposited a sum of ₹ 5.5 Lakhs. This is in addition to the sum of ₹ 3 Lakhs deposited by him before the trial Court.

Having considered all the circumstances, this Court is of the opinion that the respondent / legal heirs of the original complainant who have been brought on record as legal representatives, should be permitted to withdraw the amounts deposited.

Accordingly, the Registry is directed to release to the complainant's legal representatives the sum of ₹ 5.5 Lakhs deposited in this Court together with accrued interest; in addition, it is open to the said legal representatives to also withdraw the sum of ₹ 3 Lakhs deposited with the Corporation Bank in favour of the Judicial Magistrate (First Class), Cuttack (in ICC Case No. 46/2011).

In view of the above, the sentence of six months imprisonment is hereby set aside. The special leave petitions are disposed of in the above terms. The miscellaneous applications are also disposed of.

(NEETA SAPRA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)