

A. Chitra vs N. Bhuvaneshwari on 24 January, 2020

Bench: N.V. Ramana, Vineet Saran, V. Ramasubramanian

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.162 OF 2020
(Arising out of SLP(Crl.)No.5369 of 2019)

A. CHITRA

Versus

N. BHUVANESHWARI

O R D E R

Heard learned counsel for the p

carefully perused the record.

Leave granted.

The instant appeal, by way of special leave, is directed against order dated 18.03.2019 passed by Judicature at Madras in Crl.R.C.No.276 of 2019 whereby the High Court dismissed the Criminal Revision filed by the appellant herein and upheld the conviction and sentence imprisonment awarded to the appellant under Negotiable Instruments Act with a direction compensation of Rs.14,00,000/- (Rupees fourteen lakhs only) to the respondent-complainant under Section 357(3) default to further undergo simple imprisonment for three months.

Signature Not Verified

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SATISH KUMAR YADAV
Date: 2020.01.28
16:31:32 IST

On 05.07.2019, this Court issued notice, subject to the

Reason:

undertaking given by the learned counsel for the appellant that his
client was willing to pay half of the amount within a period of
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three weeks from that date and rest of the amount within a period of
four weeks thereafter.

On 19.07.2019, when the matter was taken up for hearing,
learned counsel for the appellant submitted that he was willing to
deposit Rs.7,00,000/- (Rupees seven lakhs only) in the Registry of
this Court. Learned counsel further submitted that his client was
willing to pay the admitted amount, as ordered by the Court below,
as well as some substantial extra amount for the expenses and mental
agony suffered by the respondent. In view of the statement of the
learned counsel for the appellant, notice limited to that extent
only was issued to the respondent.

Today, during the course of hearing, learned counsel for
the appellant submits that pursuant to the aforesaid order, his
client has deposited Rs.7,00,000/- (Rupees seven lakhs only) in the
Registry of this Court.

Learned counsel for the appellant further submits that in
addition to the amount of Rs.7,00,000/- (Rupees seven lakhs only)
that has been deposited in the Registry of this Court, his client is
ready to pay an extra amount of Rs.7,00,000/- (Rupees seven lakhs

only) to the respondent-complainant and a Memorandum of Understanding dated 18.10.2019 has been arrived at between the parties in this regard.

In view of the undertaking given by the learned counsel for the appellant as also the fact that the appellant has already suffered incarceration for more than four months, we set aside the conviction and sentence awarded to the appellant by the trial court as affirmed by the appellate Court and the High Court. The impugned

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order is accordingly set aside and the appeal is allowed.

The Registry is directed to release the amount of Rs.7,00,000/- (Rupees seven lakhs only) deposited by the appellant in the Registry of this Court along with interest, if any, accrued thereon, in favour of the respondent-complainant after following the prescribed procedure.

Both the parties are directed to abide by the Deed of Memorandum of Understanding dated 18.10.2019 in its letter and spirit.

.....J.
(N.V.RAMANA)

.....J.
(VINEET SARAN)

.....J.
(V. RAMASUBRAMANIAN)

NEW DELHI;
JANUARY 24, 2020.

ITEM NO.30

COURT NO.2

SECTION II-C

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).5369/2019

(Arising out of impugned final judgment and order dated 18-03-2019
in CRLRC No.276/2019 passed by the High Court of Judicature at
Madras)

A. CHITRA

Petitioner(s)

VERSUS

N. BHUVANESHWARI

Respondent(s)

IA No.91683/2019 - EXEMPTION FROM FILING O.T.

Date : 24-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. T.Harish Kumar, Adv.
Mr. A. Rajarajan, Adv.
Mr. Navneet Dugar, Adv.
Mr. L. Vasuki Rajarajan, Adv.
Mr. K. Paari Vendhan, AOR

For Respondent(s) Mr. Rishabh Sancheti, Adv.
Mr. Rangunatha Sethupathy, Adv.
Mr. Deepak Anand, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order. The Registry is directed to release the amount of Rs.7,00,000/- (Rupees seven lakhs only) deposited by the appellant in the Registry of this Court along with interest, if any, accrued thereon, in favour of the respondent-complainant after following the prescribed procedure.

Both the parties are directed to abide by the Deed of Memorandum of Understanding dated 18.10.2019 in its letter and spirit.

(SATISH KUMAR YADAV)

(RAJ RANI NEGI)

AR-CUM-PS

ASSISTANT REGISTRAR

(Signed order is placed on the file)