

ITEM NO.30

COURT NO.6

SECTION II-B

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5957/2017

(Arising out of impugned final judgment and order dated 03-05-2017 in CRR No. 743/2012 passed by the High Court At Calcutta)

MICROCON SYSTEM ENGINEERS
PVT. LTD. DIRECTOR & ANR.

Petitioner(s)

VERSUS

STATE OF WEST BENGAL SECRETARY & ANR.

Respondent(s)

Date : 27-10-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Ms. Reena Pandey, AOR

For Respondent(s)

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

We find that the courts below have convicted the petitioners under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881 and directed the petitioners to a compensation of Rs.5,50,000/- to respondent no. 2. Additionally, imprisonment of six months has also been awarded. The petitioners had earlier paid a sum of Rs. 2,75,000/-. In pursuance of the order dated 01.09.2017 passed by this Court he has also deposited the balance amount before the High Court. In this way, the entire amount of Rs.5,50,000/- stands deposited. This amount shall be released to respondent no.2.

Having regard to the facts and circumstances of this case, we are of the opinion that the imprisonment of six months as sentenced by the Trial Court and as maintained by the High Court needs to be quashed. Ordered accordingly.

Since the matter is of a trivial nature we are not issuing notice in this matter. However, liberty is granted to respondent no. 2 to approach the Court in case respondent no. 2 feels aggrieved by this order.

With the aforesaid observations, this special leave petition is disposed of.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI KUMAR)
COURT MASTER (SH)

(MALA KUMARI SHARMA)
COURT MASTER