

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.162 OF 2020
(Arising out of SLP(Cr1.)No.5369 of 2019)

A. CHITRA

... APPELLANT

Versus

N. BHUVANESHWARI

... RESPONDENT

O R D E R

Heard learned counsel for the parties at length and carefully perused the record.

Leave granted.

The instant appeal, by way of special leave, is directed against order dated 18.03.2019 passed by the High Court of Judicature at Madras in Cr1.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 of 9 months simple imprisonment awarded to the appellant under Section 138 of the Negotiable Instruments Act with a direction to her to pay the compensation of Rs.14,00,000/- (Rupees fourteen lakhs only) to the respondent-complainant under Section 357(3) of Cr.P.C. and in default to further undergo simple imprisonment for three months.

On 05.07.2019, this Court issued notice, subject to the undertaking given by the learned counsel for the appellant that his client was willing to pay half of the amount within a period of

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

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
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 (CrI.) 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)

AR-CUM-PS

(RAJ RANI NEGI)

ASSISTANT REGISTRAR

(Signed order is placed on the file)