

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.404 OF 2017  
(Arising out of S.L.P.(Crl.) No.6452 of 2016)

Gurdev Singh

Appellant(s)

Versus

M/s. Singh Finance Corp

Respondent(s)

O R D E R

Leave granted.

The appellant has been convicted under Section 138 of the Negotiable Instruments Act and sentenced to undergo rigorous imprisonment for one year and a fine of Rs.5000/- with default clause. Be it noted, the trial court acquitted the appellant and in appeal, the High Court reversed the judgment and convicted the appellant and imposed the sentence.

When the matter was listed on 14<sup>th</sup> September, 2016, the following order was passed:-

"Issue notice, subject to the petitioner depositing a sum of Rs.40,000/- before the Registry of this Court within four weeks hence. If the amount is not deposited within the time frame, the special leave petition shall stand dismissed without further reference to the Court. In case the amount is deposited within the stipulated time, notice shall be issued fixing a returnable date within four weeks therefrom."

In pursuance of the aforesaid order, the appellant has deposited Rs.40,000/- (Rupees forty thousand only) before the Registry of this Court. Mr. Ravi Kumar Tomar, learned counsel appearing for the respondent submits that the respondent may be permitted to withdraw Rs.40,000/- and the conviction and sentence of the appellant be set aside.

In view of the statement made by the learned counsel for the respondent, we direct that the amount deposited before the Registry of this Court along with interest, if any, be paid to the respondent on proper identification.

In view of the said settlement, we allow the appeal, set aside the judgment of conviction and sentence passed by the High Court in CRM-A-1155-MA of 2014.

.....J.  
[Dipak Misra]

.....J.  
[A.M. Khanwilkar]

.....J.  
[Mohan M. Shantanagoudar]

New Delhi  
February 23, 2017.

ITEM NO.7

COURT NO.2

SECTION IIB

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 (Cr1.) No.6452/2016

(Arising out of impugned final judgment and order dated 21/04/2016 in CRMA No. 1155/2014 passed by the High Court of Punjab & Haryana at Chandigarh)

GURDEV SINGH

Petitioner(s)

VERSUS

M/S. SINGH FINANCE CORP.

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned judgment and office report for direction)

Date : 23/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s)

Mr. Ravi Kumar Tomar, AOR

For Respondent(s)

Mr. Karan Kapoor, Adv.  
Mr. Mayank Jain, Adv.  
Mr. Manik Kapoor, Adv.  
Mr. Ritesh Khatri, 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.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master

(Signed order is placed on the file)