

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1578/2019
(@SPECIAL LEAVE PETITION (CRIMINAL) No.9571/2019)
(@SPECIAL LEAVE PETITION (CRIMINAL) Diary No.24455/2019)

KUPPA

Appellant(s)

VERSUS

MOHAMMAD ALI

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

We have heard the learned counsel appearing for the appellant-accused and the learned counsel appearing for the sole respondent – complainant at length today.

This appeal is filed against the impugned Judgment passed by the High Court of Karnataka, Dharwad Bench on 25-2-2019 in Criminal Revision Petition No.2324/2011, whereby the said Court has confirmed the conviction and sentence of one year's imprisonment imposed upon the appellant by the Courts below.

When the matter came up for hearing today, it was brought to our notice that the appellant and respondent have settled the matter amicably by way of a Settlement Deed dated 1-7-2019.

It was also informed by the learned counsel appearing for the appellant that pursuant to the said Settlement Deed, his client has already paid the entire cheque amount of Rs.98,000/- (Rupees Ninety Eight Thousand only) by way of Demand Draft bearing No.195824 dated 28-6-2019 drawn in favour of the respondent – complainant which has been duly accepted by the respondent. He further states that in

terms of the guidelines issued by this Court in the case of Damodar S. Prabhu V. Sayed Babalal H., (2010) 5 SCC 663, which mandates 20% of the cheque amount to be paid to the National Legal Services Authority if compounding is done at the level of this Court, the appellant has also paid Rs.20,000/- to the National Legal Services Authority by way of Demand Draft bearing No.740695 dated 4-9-2019.

Learned counsel appearing for the sole respondent – complainant has no objection if the offence under Section 138 of the Negotiable Instruments Act is compounded and conviction and sentence imposed upon the appellant is set aside.

In view of that, we compound the offence as per the provisions of Section 147 of the Negotiable Instruments Act and set aside the conviction and sentence imposed upon the appellant.

The Settlement Deed dated 1-7-2019 shall form part of this order.

The appeal is disposed of in the afore-stated terms.

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

.....J
(SANJIV KHANNA)

.....J
(KRISHNA MURARI)

NEW DELHI;
14TH OCTOBER, 2019.

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.24455/2019

(Arising out of impugned final judgment and order dated 25-02-2019 in CRLRP No. 2324/2011 passed by the High Court of Karnataka Circuit Bench at Dharwad)

KUPPA

Petitioner(s)

VERSUS

MOHAMMAD ALI

Respondent(s)

(IA No. 105094/2019 - CONDONATION OF DELAY IN FILING SLP AND IA No. 105095/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 14-10-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Mr. Ankolekar Gurudatta, AOR

For Respondent(s)

Mr. Mukesh Kumar Singh, Adv.
Vani Vyas, Adv
Mr. Amit, Adv.
Mr. Mohit Kaushik, Adv.
Mr. Purushottam Sharma Tripathi, AOR

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

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application filed in the matter also stands disposed of.

(VISHAL ANAND)
COURT MASTER (SH)

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)

