

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

M.A. NO. 613/2017
IN
CRIMINAL APPEAL NO. 811 OF 2017

L. SURESH

Appellant(s)

VERSUS

K. T. KUNJUMON

Respondent(s)

O R D E R

- 1) Heard the learned counsel appearing for the parties.
- 2) By order dated 28.04.2017, this Court passed an order in which it was stated as follows:-

"Having heard learned counsel for the parties, we are of the view that as the admitted position between the parties itself shows, the agreement dated 26th October, 1998 was not only admitted, but also the fact that an amount of Rs.50,00,000/- (rupees fifty lakh) was repaid is an admitted position. Equally, the cheque that bounced was towards the balance payment of Rs.25,00,000/- (rupees twenty five lakh). In these circumstances, the High Court should not have interfered, in the revisional jurisdiction, against the concurrent findings of fact. We, therefore, allow this appeal and set aside the impugned judgment passed by the High Court.

We are informed that a sum of Rs.40,37,042/- (forty lakhs thirty seven thousand forty two) was found to be due on 25th September, 2001. The respondent will pay the said amount within eight weeks from today. In so far as the balance payment is concerned, the

interest is fixed at the rate of 12% per annum from 25th September, 2001 till date on the principal amount of Rs.25,00,000/- (rupees twenty five lakh). The balance amount will also be paid directly to the appellant within a period of sixteen weeks from today. In default of either of the two payments, the sentence to one year's imprisonment will revive. Otherwise, the sentence will stand substituted by the payment of compensation at the above figures. The appeal is allowed accordingly."

3) Since the parties have entered into a Joint Memo of Compromise dated 20.07.2017, which is already on record, we substitute our earlier order dated 28.04.2017 by an order in terms of the Joint Memo of Compromise dated 20.07.2017.

4) The Application stands disposed of accordingly.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
September 04, 2017.

ITEM NO.48

COURT NO.12

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 SM.A. 613/20-17 in Cr1. Appeal No(s). 811/2017

L. SURESH

Petitioner(s)

VERSUS

K. T. KUNJUMON

Respondent(s)

Date : 04-09-2017 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Krishna Kumar, AOR

For Respondent(s) Mr. Abir Phukan, Adv.
Mr. Kuriakose Varghese, Adv.
Mr. Surya Prakash, Adv.
Mr. V. Shyamohan, AORUPON hearing the counsel the Court made the following
O R D E RThe Application stands disposed of in terms of the signed
order.(R. NATARAJAN)
COURT MASTER(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)