

ITEM NO.25

COURT NO.3

SECTION II-A

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).1084/2019

(Arising out of impugned final judgment and order dated 31-10-2018 in CRLA No.540/2006 passed by the High Court of Judicature at Bombay at Nagpur)

GANPATRAO MAHADEORAO KAPSE

Petitioner(s)

VERSUS

RAJIV

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 11-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr.Ali Chaudhary, Adv.  
Ms.Tripti Poddar, Adv.  
Ms.Manju Jetley, AOR

For Respondent(s) Mr.Prashant R.Dahat, Adv.  
Mr.Venkateswara Rao Anumolu, AOR

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

The respondent herein had earlier lodged a complaint in relation to a dispute pertaining to the construction of a marriage hall and purchase of some plots owned by the wife of the petitioner. The aforesaid dispute was settled mutually between the respondent, petitioner and the wife of the petitioner. Accordingly, the earlier agreement between them was cancelled and the petitioner and his wife agreed to pay a sum of Rs. 15,32,000/- to the respondent herein. In part discharge thereof, the petitioner issued cheque no.669562 dated 30.04.2005 for an amount of Rs.2,50,000/- in favour of the respondent, which was dishonored, giving rise to the

present proceedings under the Negotiable Instruments Act of 1881.

*Vide* order dated 17.07.2006, the magistrate dismissed the complaint filed by the respondent and acquitted the petitioner. Aggrieved, the respondent preferred an appeal before the High Court, which was allowed, and the High Court directed the petitioner to deposit Rs.5,00,000/- with the Registry of the High Court within three months. Assailing the aforesaid order, the petitioner has approached this court by way of a Special Leave Petition.

Learned counsel for the petitioner submits that, pursuant to the order passed by the High Court, his client has deposited Rs. 5,00,000/- before the Registry of the High Court. The respondent is permitted to withdraw the said amount. The Registry of the High Court is directed to issue a cheque in favour of the respondent after proper identification.

It is made clear that the respondent shall not claim any further amount regarding this cheque transaction.

In view of the above, nothing further remains to be adjudicated upon in this matter and the special leave petition stands disposed of accordingly.

(SATISH KUMAR YADAV)  
AR-CUM-PS

(RAJ RANI NEGI)  
ASSISTANT REGISTRAR