

ITEM NO.35

COURT NO.16

SECTION II-B

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(s).9498/2019

(Arising out of impugned final judgment and order dated 07-08-2019 in CRLREVPET No.495/2019 passed by the High Court Of Kerala At Ernakulam)

THOMAS P. MALIYEKKAL

Petitioner(s)

VERSUS

GEORGE THOMAS &amp; ANR.

Respondent(s)

(With appln. for permission to compound the offence)

Date : 21-10-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Kuriakose Varghese, Adv.  
Mr. Abir Phukan, adv.  
Mr. V. Shyamohan, Adv.  
for M/s. KMNP Law, AOR

For Respondent(s) Mr. Surya Prakash, adv.  
Ms. Monalisha Chowdhury, Adv.  
Ms. Uttara Babbar, AOR

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

The petitioner is a senior citizen over 71 years of age, suffering from age related ailments. We are informed that the disputes have been settled between the complainant and the appellant. The value of the dishonoured cheque is Rs.50,000/- (Rupees fifty thousand). A sum of Rs.85,000/- (Rupees eighty five thousand) has been paid by the petitioner to the complainant. This is not in dispute.

In exercise of our power under Article 142 of the Constitution of India, to do complete justice, we deem it

appropriate to set aside the conviction under Section 138 of the Negotiable Instruments Act and allow the application for exemption from surrendering and also permit the compounding of the offence under Section 147 of the Negotiable Instruments Act, in view of the settlement as aforesaid. In the facts and circumstances of this case, we do not deem it necessary to impose costs.

The special leave petition is disposed of in terms of the above, along with all pending applications.

(Beena Jolly)  
Branch Officer

(Sarita Purohit)  
AR-cum-PS