

ITEM NO.3

COURT NO.6

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 S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 1592/2019  
(Arising out of impugned final judgment and order dated 06-12-2018  
in CRLA No. 226/2017 passed by the High Court Of Karnataka At  
Bengaluru)

J V PRAKASH

Petitioner(s)

VERSUS

T ZUBAIR

Respondent(s)

(IA No. 27669/2019 - EXEMPTION FROM FILING O.T.)

Date : 15-10-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Shailesh Madiyal, AOR  
Mr. Kartik Anand, Adv.  
Mr. Sudhanshu Prakash, Adv.

For Respondent(s) Mr. Dushyant Parashar, AOR

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

This special leave petition arises out of the judgment dated 06.12.2018 passed by the High Court of Karnataka at Bengaluru in Criminal Appeal No. 226 of 2017 in and by which the High Court has reversed the order of acquittal of the petitioner and convicted him under Section 138 of the Negotiable Instruments Act and imposed a fine of Rs.2,30,000/- (Rupees two lakhs thirty thousand). In default the petitioner to undergo sentence of imprisonment for six months.

We have heard Mr. Shailesh Madiyal, learned counsel appearing on behalf of the petitioner as well as Mr. Dushyant Parashar,

learned counsel for the respondent who has been nominated through Supreme Court Legal Services Committee. We have perused the impugned judgment and the materials on record.

Upon consideration of the impugned judgment and Exs. P-1 and P-2 cheques we do not find any good ground warranting interference with the conviction of the petitioner under Section 138 of the N.I. Act and also the quantum of fine of Rs.2,30,000/- (Rupees two lakhs thirty thousand) as the cheque amount is Rs. 2,20,000/- (Rupees two lakhs twenty thousand).

Earlier by the order dated 22.02.2019, the petitioner was directed to deposit Rs.1,10,000/- (Rupees one lakh ten thousand) before the Trial Court. In compliance of the order, the petitioner has already deposited the said amount before the Trial Court.

Three months' further time is granted to the petitioner for depositing the balance fine amount of Rs.1,20,000/- (Rupees one lakhs twenty thousand) before the Trial Court failing which the petitioner to undergo imprisonment for four months. On such deposit being made, the Trial Court shall disburse the amount of Rs. 2,20,000/- (Rupees two lakhs twenty thousand) to the respondent-complainant.

With the above observations and directions, the special leave petition is dismissed.

Pending application(s), if any, shall also stand disposed of.

(MADHU BALA)  
COURT MASTER (SH)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER