

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1123 OF 2017
[@ SPECIAL LEAVE PETITION (CRL.) NO. 9975 OF 2016]

PRAVIND KUMAR

Appellant(s)

VERSUS

RADHE BALLABH MISHRA & ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellant is before this Court, aggrieved by the conviction and sentence in the proceedings under Section 138 of the Negotiable Instruments Act, 1881.
3. We have been told that during the pendency of this matter before this Court, the parties have reached an amicable settlement of the whole dispute for an amount of Rs. 4.5 Lakhs. The said amount was deposited before this Court and the same was directed to be withdrawn by the first respondent along with accrued interest. The amount covered by the cheque was only Rs. 3 Lakhs. The first respondent herein was paid the litigation expenses to the tune of Rs.25,000/-.

4. Having regard to the fact that the cheques were issued in the years 2010 and 2011, we are of the view that a further payment of Rs. 50,000/- (Rupees Fifty Thousand) would be just, fair and equitable.

5. Accordingly, we direct the Judicial Magistrate I Class, Pupri at Sitamarhi Dist., Bihar, to release an amount of Rs. 50,000/- (Rupees Fifty Thousand) to the first respondent and the balance, along with interest, if any, on the whole amount may be released to the appellant. The court shall do the needful regarding the release of the amount within a period of one month from today.

6. Since it is a proceeding under Section 138 of the Negotiable Instruments Act and since the first respondent has entered full satisfaction of the payments, and in view of the peculiar facts and circumstances of the transactions leading to the litigation, we are of the view that it will only in the interest of justice that the criminal proceedings which ended up in the conviction, are quashed in order to do complete justice between the parties.

7. Therefore, this appeal is allowed. The conviction and sentence are set aside and the

complaint filed by the respondent before the learned
Magistrate is dismissed.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
July 12, 2017.