

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 916 OF 2011
(Arising out of SLP(CrI.) No.7094/2009)

AMEER CHAND

Appellant(s)

:VERSUS:

NIRMAL CHAND

Respondent(s)

(With CRL.M.P. No...../2011)

O R D E R

The order dated 30.11.2010 passed by this Court is recalled.

Leave granted.

This appeal emanates from the order dated 10.1.2008 passed by the High Court of Madhya Pradesh, Jabalpur Bench, in Criminal Revision No.1029 of 2005. The appellant was convicted under Section 138 of Negotiable Instruments Act, 1881 and sentenced to one year imprisonment by judgment and order dated 19th July, 2004 passed by the Judicial Magistrate, First Class, Rehli, in Criminal Case No.642/2003 which was affirmed by the Additional Sessions Judge, Rehli and the High Court. However, the sentence of the appellant was reduced by the High Court to six months only.

It is submitted by the learned counsel for the complainant-respondent that the entire amount due and payable to the complainant has been deposited or paid to him during the pendency of this matter and he does not want to prosecute this case. An application has been filed for compounding the offence of the appellant under Section 138 of the Negotiable Instruments Act.

We have heard the learned counsel for the parties.

On consideration of the totality of the facts and circumstances of this case, we are of the view that ends of justice would meet if the impugned judgment is set aside and the offence of the appellant is compounded. We order accordingly.

The complainant-respondent is permitted to withdraw the amount deposited by the appellant in the Trial Court.

The appeal is disposed of with the aforementioned observations and directions.

.....J
(DALVEER BHANDARI)

.....J
(DEEPAK VERMA)

New Delhi;
April 8, 2011.