

CASE NO.:
Appeal (crl.) 139 of 2008

PETITIONER:
Christudhas

RESPONDENT:
T. Nalini

DATE OF JUDGMENT: 21/01/2008

BENCH:
C.K. THAKKER & D.K. JAIN

JUDGMENT:
JUDGMENT
O R D E R
(Arising out of S.L.P.(Criminal) No.482/08(CrMP.No.13304/ 2007)

Delay condoned.

Leave granted.

We have heard learned counsel for the parties.

In the instant case all the three courts have convicted the appellant herein for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Thereafter the matter has been settled between the parties and an affidavit to that effect is filed. In the said affidavit it was stated that the deponent original complainant had received the entire amount covered by the cheque along with interest and other expensed and she was ready for a compromise and she has no objection if the offence against the appellant is compounded.

Recently, this Court has taken the view in Vinay Devanna Nayak vs. Ryot Seva Sahakari Bank Ltd., reported in JT 2007 (13) 382, that such offence can be compounded.

On the facts and in the circumstances of the

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case, therefore, the offence is compounded. The appellant is acquitted under sub-section (8) of Section 320 of the Code of Criminal Procedure, 1973.

Appeal is, accordingly, allowed. to the extent indicated above.