

## IN THE SUPREME COURT OF INDIA

## CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.2061 of 2017  
[Arising from SLP (Cr1.) No.5147 of 2017]

STANLEY JACCOB, PROPRIETOR OF CARVAN ROADWAYS

APPELLANT(S)

VERSUS

STATE OF GUJARAT &amp; ANR.

RESPONDENT(S)

O R D E R

1. Leave granted. Both the respondents are represented by their respective counsel.

2. The matter arises under Section 138 of the Negotiable Instruments Act. The appellant drew a cheque in favour of the 2<sup>nd</sup> respondent for an amount of Rs.3,50,000/-. The cheque dishonoured when presented by the 2<sup>nd</sup> respondent.

3. Appellant was prosecuted and found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act. The appellant is finally before us. The details of the history of the case are not necessary for the purposes of this order.

4. On the previous occasion when the matter was listed, learned counsel for the respondents agreed that the respondents would be willing to give quietus to the case if only the appellant pays an amount of Rs.9,000,000/- (Rupees Nine Lakhs only) in all. It appears that pursuant to an order dated 28<sup>th</sup> July, 2017 of this

Court, the appellant deposited an amount of Rs.4,00,000/- (Rupees Four Lakhs) with the Registry of this Court.

5. Today when the matter is taken up, Mr. Nakul Dewan alongwith Ms. Taruna Singh Gohil, learned counsel for the appellant handed over a demand draft bearing No.093653 dated 30.11.2017 drawn on South India Bank for an amount of Rs.5,00,000/- (Rupees Five Lakhs) in favour of the 2<sup>nd</sup> respondent, to Mr. O.P. Bhadani, learned counsel for the second respondent.

6. Heard learned for the respondent-State of Gujarat.

7. In the background of the above mentioned facts, we set aside the order dated 15.3.2007 passed by Judicial Magistrate First Class of Vadodara at Vadodara in Criminal Suit No.172/2002 as confirmed by the impugned order of the High Court under appeal.

8. The second respondent would be at liberty to withdraw the amount of Rs.4,00,000/- lying in the Registry of this Court.

9. We are informed that the appellant had deposited an amount of Rs.2,00,000/- (Rupees Two Lakhs only) with the High Court during the pendency of the Criminal Revision Application No.353 of 2010.

10. In view of the order passed today we also deem it appropriate to permit the appellant to withdraw the above mentioned amount of Rs.2,00,000/- (Rupees Two Lakhs) deposited by the appellant and lying with the High Court of Gujarat alongwith interest, if any,

accrued therein.

11. The appeal is accordingly allowed.

.....J.  
(J. Chelameswar)

.....J.  
(Sanjay Kishan Kaul)

New Delhi.  
December 04, 2017.

ITEM NO.39

COURT NO.2

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 (Crl.) No(s). 5147/2017

(Arising out of impugned final judgment and order dated 17-04-2017 in CRA No. 353/2010 passed by the High Court Of Gujarat At Ahmedabad)

STANLEY JACCOB PROPRIETOR OF CARVAN ROADWAYS

Petitioner(s)

VERSUS

STATE OF GUJARAT &amp; ANR.

Respondent(s)

(FOR EXEMPTION FROM SURRENDERING ON IA 40080/2017.  
FOR EXEMPTION FROM FILING O.T. ON IA 40078/2017)

Date : 04-12-2017 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR  
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Nakul Dewan, Adv.  
Mr. Pradhuman Gohil, Adv.  
Mrs. Taruna Singh Gohil, AOR  
Mr. Himanshu Chaubey, Adv.  
Ms. Abhishikta Mallick, Adv.

For Respondent(s) Mr. O.P. Bhadani, Adv.  
Mr. S.S. Pandey, Adv.  
Mr. A.K. Suman, Adv.

Ms. Hemantika Wahi, AOR  
Ms. Jesal Wahi, Adv.  
Ms. Puja Singh, Adv.  
Ms. Shodhika Sharma, Adv.

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

Leave granted. The appeal is allowed in terms of the signed order.

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

(OM PARKASH SHARMA)  
AR CUM PS

(RAJINDER KAUR)  
BRANCH OFFICER

(Signed order is placed on the file)