

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). 8204/2023

(Arising out of impugned final judgment and order dated 18-01-2023 in CRRP No. 100070/2018 passed by the High Court of Karnataka Circuit Bench at Dharwad)

KHALEEL AHMED

Petitioner(s)

VERSUS

M. NAGARATHNA

Respondent(s)

Date : 22-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Anand Sanjay M Nuli, Adv.
M/S. Nuli & Nuli, AOR
Ms. Nandini Pandey, Adv.
Mr. Suraj Kaushik, Adv.
Mr. Nanda Kumar, Adv.
Mr. Dharm Singh, Adv.
Mr. Shiva Swaroop, Adv.

For Respondent(s) Mr. Shanthkumar V. Mahale, Adv.
Mr. Rajesh Mahale, AOR

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

Leave granted.

Interim order granted on 06.07.2023 to
continue till disposal of this appeal.

The Trial Court had awarded Rs. 28,10,000/-

(Rupees Twenty Eight Lakhs and Ten Thousand) to be paid by the appellant in the proceedings under Section 138 of the Negotiable Instruments Act, 1881. Out of the said amount, Rs. 26,00,000/- (Rupees Twenty Six Lakhs) was the cheque amount and Rs. 2,10,000/- (Rupees Two Lakhs and Ten Thousand) was an additional fine/compensation awarded by the Trial Court.

The appellant was directed to deposit 20% by the order of the appeal Court, under which the appellant had deposited Rs.5,60,000/- (Rupees Five Lakhs and Sixty Thousand) with the Trial Court. Thereafter, the appeal filed before the Sessions Court and the revision filed before the High Court were dismissed. The present appeal was entertained on 6th July, 2023, on which date the following order was passed :-

“Learned counsel for the petitioner states that the petitioner is ready and willing to deposit the amount of Rs.26,00,000/- (Rupees twenty six lakhs), for which the two cheques had bounced and the petitioner had been convicted under Section 138 of the Negotiable Instruments Act, 1881, within a period of six weeks from today with the Registry of this Court.

Delay condoned.

Issue notice, returnable on

22.08.2023.

Till the next date of hearing, no coercive measures shall be taken against the petitioner."

Today, learned counsel for the appellant has come prepared with a bank draft of the value of Rs. 20,40,000/- (Twenty Lakhs and Forty Thousand) stating that Rs. 5,60,000/- (Rupees Five Lakhs and Sixty Thousand) is already deposited before the Trial Court and after adjusting that amount from Rs. 26,00,000/- (Rupees Twenty Six Lakhs), this Court has directed the appellant to be ready with the remaining amount. Learned counsel for the appellant, further states that he was not aware on previous date that Rs. 5,60,000/- (Rupees Five Lakh and Sixty Thousand) is already deposited with the Trial Court on 11.07.2018 and as such the said fact could not be pointed out or brought to the notice of this Court.

Accordingly, we direct the Registry to accept the bank draft of Rs. 20,40,000/- (Rupees Twenty Lakhs and Forty Thousand) to be deposited by the appellant within two days.

Further the said amount be drawn in favour of the Registrar, Supreme Court of India and out of the said amount Rs. 14,00,000/- (Rupees Fourteen Lakhs) may be

paid to the respondent within a week thereafter, by means of a cheque drawn in favour of the respondent or the respondent's counsel may provide bank details of the respondent where the transfer may be effected by RTGS/NEFT. We order accordingly.

The remaining amount of Rs. 6,40,000/- (Six Lakhs and Forty Thousand) will be kept in a Fixed Deposit in the Registry of the Supreme Court initially for a period of six months and thereafter renewed for such period till further orders are passed by the Court in this regard.

The deposit and the payment of the above amount shall remain subject to final outcome of this appeal.

The amount lying with the Trial Court if not already invested shall be invested in a Fixed Deposit in a nationalized Bank initially for a period of six months to be renewed from time to time for the same period till further orders are passed by this Court in this regard. The said amount will remain with the Trial Court, as directed above.

Learned counsel for the respondent may file counter affidavit within six weeks.

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)