

SUPREME COURT OF INDIA

P. Mohan Babu

Vs.

D. Ramaswamy

(K Thomas and M Shah JJ.)

03.03.2000

ORDER

1. Leave granted.

2. Appellant stands convicted under Section 138 of the Negotiable Instruments Act. He was sentenced to undergo imprisonment for one year and to pay a fine of Rs. 5,000/-. The conviction and sentence were set aside by the Sessions Court in appeal but now the High Court has restored conviction and sentence passed by the trial Judge.

3. It is unnecessary for us to consider the merits of the case, for, learned Counsel confines his arguments only regarding the quantum of sentence. He pointed out a development which took place subsequent to the filing of this appeal. It was that the appellant has paid the entire amount covered by the disputed cheques. In fact an affidavit has been sworn to by the deponent which is authenticated by an advocate. The affidavit shows that complainant is "fully satisfied" with the payment made by the appellant. In view of the said development, we are disposed to save the appellant from the imprisonment part of the sentence. We, therefore, alter the sentence to a fine of Rs. 5,000/- which appellant shall remit in the trial Court within 4 weeks from today. In default of payment of fine, he will undergo simple imprisonment for a period of 3 months.

4. Appeal is accordingly disposed of.