

SUPREME COURT OF INDIA

Jeevanbose @ Gopi Kalassery

Vs.

State of Kerala

SLP (CrI.) No. 2244 of 2003

(Shivaraj V. Patil and D. M. Dharmadhikari JJ.)

19.01.2004

ORDER

Delay condoned.

1. Leave granted.

2. At the hearing, the learned counsel for the parties submitted that the proceedings were initiated under Section 138 of the Negotiable Instruments Act, 1881, by the respondent-sister against the petitioner-brother. On trial, the petitioner was found guilty. He was convicted and sentenced to undergo imprisonment for a period of one year. During the pendency of the proceedings before this Court in these appeals, the brother and sister have settled the dispute. The petitioner has already undergone the sentence for a period of one month. In these circumstances, the learned counsel, on either side, submitted that the sentence already undergone by the petitioner may be considered sufficient, taking note of the settlement arrived at between the brother and the sister and the order of sentence may be modified to that extent. The learned counsel for the petitioner added that this Court in *K.L. Kunjappan vs. Rafeeqe & Anr.* 9) and *Sivasankaran vs. State of Kerala & Anr.* 4) has passed similar orders. Under these circumstances, we dispose of the appeals by modifying the order of sentence to the period already undergone by the petitioner.