

SUPREME COURT OF INDIA

T.R. Sachdeva

Vs.

Gujral Tools & Forgings

Crl.A.No.520 of 2009

(B.N. Agrawal and G.S. Singhvi JJ)

23.03.2009

ORDER

1. Leave granted.

2. The appellant was tried under Section 138 of the *Negotiable Instruments Act [hereinafter referred to as "the Act"]*. The trial court acquitted him of the charge. However, on a petition for leave to appeal filed by the complainant, the High Court reversed the order of acquittal, convicted the appellant under Section 138 of the Act and sentenced him to undergo rigorous imprisonment for a period of six months and to pay compensation of rupees four lakhs; in default, to undergo further imprisonment for a period of six months. Hence, this appeal by special leave.

3. When the special leave petition was taken up for admission, learned counsel appearing on behalf of the appellant made a statement that his client shall deposit a sum of rupees four lakhs within six weeks. In view of his statement, the Court directed the appellant to deposit the amount, issued notice and stayed the order of the High Court.

4. Learned counsel for the appellant states that in terms of order dated 17.7.2007, his client has deposited rupees four lakhs in the Registry of this Court. This has not been contested by the learned counsel for the respondent.

5. Having heard learned counsel for the parties and keeping in view the facts and circumstances of the case including the deposit of rupees four lakhs by the appellant, we are of the view that ends of justice would be met in case the sentence of imprisonment imposed on the appellant is set aside and the order awarding compensation is maintained.

6. Accordingly, the appeal is allowed in part, sentence and imprisonment imposed on the appellant is set aside, but the order awarding compensation is maintained. The respondent shall be entitled to withdraw rupees four lakhs deposited in the Registry of this Court, together with interest accrued thereon, if any, unconditionally.