

2022 LiveLaw (SC) 874

IN THE SUPREME COURT OF INDIA
AJAY RASTOGI; J., C.T. RAVIKUMAR; J.
Special Leave to Appeal (Crl.) No(s). 119/2022; 18-10-2022
SANTHOSH J. versus V. NARASIMHA MURTHY

Negotiable Instruments Act, 1881; Section 138 - Supreme Court imposes Rs 5 lakhs cost on convict who agreed to settle the dispute only after 10 years of litigation - Court cites wastage of precious judicial time and tyranny of justice caused to complainant.

(Arising out of impugned final judgment and order dated 13-09-2021 in CRLR No. 425/2018 passed by the High Court of Karnataka at Bengaluru)

For Petitioner(s) Mr. Lzafeer Ahmad B. F., AOR

For Respondent(s) Mr. Mahimai Antoni Jayam, Adv. Mr. Manoranjan Mishra, Adv. Mr. Pradeep Kumar, Adv. Mr. Karunakar Mahalik, AOR

ORDER

It is tyranny of justice caused to the complainant after spending 10 years in litigation left with no other option but to compromise for the reason that if the matter is processed any further in this Court, he will be deprived of his legitimate claim which has at least now become due to him after his complaint being tried by three different Courts in hierarchy upholding conviction of the petitioner with the concurrent finding of guilt for offence under Section 138 of the Negotiable Instruments Act.

It is informed that a sum of Rs.69 lakhs has been made over by the petitioner to the complainant and counsel for the complainant has informed that he does not want to proceed against the petitioner any further as he has settled the dispute amicably, but this Court cannot be oblivious of the situation that precious judicial time of almost 10 years of the Courts has been consumed in this litigation and mere compromise entered into by the parties may not be sufficient to close the proceedings.

Looking to the quantification of default amount in reference to which the petitioner was convicted under Section 138 of the NI Act, let an additional sum of Rs. 5 lakhs be deposited by the petitioner with the Supreme Court Advocate-on-Record Advocates Welfare Fund within a period of two months and the receipt of money deposited be placed with the Registry of this Court.

List the matter on 17.01.2023.

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