

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 6517/2020

DILIP MAJUMDER

Petitioner(s)

VERSUS

NIKUNJA DAS & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.87278/2020-CONDONATION OF DELAY IN FILING and IA No.87280/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.87276/2020-EXEMPTION FROM SURRENDERING WITHIN TIME )

Date : 14-09-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN  
[IN CHAMBER]

For Petitioner(s) Mr. Anjani Kumar Mishra, AOR

For Respondent(s)

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

This is an application filed by the Petitioner seeking exemption from surrendering.

The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act by the Additional Chief Judicial Magistrate, West Tripura, Agartala, but was imposed only with a fine of Rs. 4,00,000/-. In default of payment of fine, he was made liable to Simple Imprisonment for six Months.

The Additional Sessions Judge, West Tripura reversed the judgment of the Additional Chief Judicial Magistrate and acquitted the Petitioner.

However, the High Court reversed the Judgment of the Sessions Judge and restored the conviction and penalty imposed by the Additional Chief Judicial Magistrate.

The net result is that the only penalty imposed on the petitioner is a fine of Rs. 4,00,000/- and the imprisonment for six month is only in the event of default in payment of fine amount.

In such circumstances, the question of exemption from surrendering does not arise as the substantial punishment is not one of imprisonment. Therefore, the application for exemption from surrendering stands dismissed.

(RAJNI MUKHI)  
COURT MASTER (SH)

(DIPTI KHURANA)  
COURT MASTER (NSH)