

Kaushalya Devi Massand v. Roopkishore Khore, (2011) 4 SCC 593

Negotiable Instruments Act, 1881

S. 138 - Dishonour of cheque - Nature of offence - Sentencing - Compensation instead of substantive sentence of imprisonment - Whether jail sentence necessary as a deterrent - Matter protracted for 14 yrs - Effect - Held, gravity of complaint under NI Act cannot be equated with offence under IPC or other criminal offences - This offence is almost in the nature of a civil wrong which has been given criminal overtones - Magistrate was of the view that imposition of a fine payable as compensation to appellant was sufficient to meet ends of justice - Except factum of appellant complainant, being a widowed lady of advanced age, there are no other special circumstances which call for interference with order of Magistrate, as confirmed by High Court, with increased fine after interval of 14 yrs - However, amount of compensation payable increased by a further sum of Rs 2 lakhs in addition to the sum of Rs 6 lakhs already directed to be paid by respondent to appellant, to be deposited in trial court within two weeks and in default to undergo one month's simple imprisonment i.e. total fine/compensation of Rs 8 lakhs awarded in respect of original liability under dishonoured cheques of Rs 3 lakhs, (2011) 4 SCC 593-