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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.604 OF 2015

Ms. Taramati Sadanand PathakApplicant
versus
Mr. V. U. Seemon and anr.Respondents

Ms. T. S. Pathak, applicant-in-person.
Mr. A. H. Ponda i/b. Mr. Apoorv V. Singh, advocate for respondent No.1.
Mrs. P. H. Kantharia, APP for the State.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATED : 19th AUGUST, 2015.

P.C.:

Heard applicant-in-person, Mr. Ponda, learned counsel for respondent No.1 and Mrs. Kantharia, APP for the State.

2. The petition is filed for the following reliefs:

a) In order to render true substantive justice, and based on the above facts including the guidance given by the Hon'ble Supreme Court of India, a Non-Bailable Warrant be Kindly issued against Mr. V. U. Seemon, the Convict/Respondent, and he be brought before the Court, and be detained and taken into custody, until and unless he follows the orders of all four Hon'ble Courts, and pays the compensation in entirety to the Complainant.

b) All the provisions available under law and under sec 482, be applied against the Respondent/Convict, to recover the debts/compensation of Rs.1.14 crore, from his property that he had held in his name at the time of

judgement ie. on 22.10.2007; and/or from the wealth he has acquired of over Rs.10 crores in 2014.

c) Reasonable amount as interest on Rs.1.14 crore, pending since past 8 years i.e. since 2007 be awarded, taking into account, the fact that money was extracted by him in 1996-97 meant for an altruistic project for the unfortunate babes of India.”

2. The applicant-in-person filed summary criminal case No.3552 of 1999 against respondent No.1 under Section 138 of the Negotiable Instrument Act, 1881. By an order dated 22nd October, 2007, respondent No.1 is convicted and sentenced to six months simple imprisonment. Respondent No.1 was also directed to pay compensation of Rs.1,14,00,000/- to the applicant, and in default, he was directed to undergo simple imprisonment for three months. This decision is confirmed by the Higher Court. It is not disputed that respondent No.1 has undergone substantial as well as default sentence.

3. In the above circumstances, the applicant is always at liberty to recover the said amount by resorting to the provisions of Land Revenue Code. She is also at liberty to institute independent proceedings for recovering the said amount. The prayers sought for, in the petition, cannot be granted. The petition is devoid of any merit and the same stands dismissed accordingly.

(V. L. ACHLIYA, J.)

(RANJIT MORE, J.)