

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CACP No.14 of 2014

Date of Decision : May 19, 2015

Rohin Kumar @ Rohin Aggarwal

....Appellant

Versus

Silvia

.....Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Appellant in person with Mr Amit Aggarwal, Advocate

Mr K.D.S.Hooda, Advocate
for the respondent.

T.P.S. MANN, J.

The contemner has filed the present appeal for challenging the order dated 25.3.2014 passed by learned Single Judge, whereby he was sentenced to six months' simple imprisonment, alongwith costs of Rs.one lac.

The contempt proceedings were initiated against the appellant as despite entering into a settlement with the respondent, he did not pay the agreed amount of Rs.17 lacs to the respondent after selling commercial plot measuring 29½ square yards, located at Manav Chowk, Ambala City. Instead, he utilized the proceeds of the sale on marriage of his sister.

The present appeal came up for preliminary hearing on 7.4.2014 when after hearing learned counsel for the appellant, the Division Bench issued notice of motion and ordered the release of the appellant on bail, subject to furnishing of bail bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Chandigarh. Recovery of

fine was also stayed.

Upon notice, the respondent put in appearance through her counsel. On 27.2.2015, miscellaneous application filed by the appellant was allowed and in the order dated 7.4.2014, words 'recovery of fine' were ordered to be read as 'recovery of costs'.

On the last date of hearing, learned counsel for the parties informed the Bench that the matrimonial dispute between the parties stood amicably settled. Pursuant to the same, the appellant has filed his affidavit tendering unqualified apology.

Once the matter between the parties stands amicably settled and the appellant has tendered unqualified apology, this Court is of the considered view that the sentence of imprisonment and costs imposed upon the appellant by the learned Single Judge vide impugned order dated 25.3.2014 deserves to be set aside.

Resultantly, the appeal is accepted and the sentence of six months' simple imprisonment, alongwith costs of Rs.one lac, is set aside.

The appellant is on bail. The bonds furnished by him and his surety(s), if any, are discharged.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

May 19, 2015
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