

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Varinder Singh
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Punjab & Haryana High Court at
Chandigarh

CACP No. 4 of 2017 (O&M)

Date of decision: 22.2.2018

Agyapaul Singh

.. Appellant

VS

State Bank of India

.. Respondent

**Coram: Hon'ble Mr. Justice Rajesh Bindal
 Hon'ble Mr. Justice B. S. Walia**

Present: Mr. Anand Chhibbar, Senior Advocate with
 Mr. Vaibhav Sahni, Advocate, for the appellant.

Mr. Rakesh Gupta, Advocate, for the respondent.

Rajesh Bindal, J.

Order passed by the learned Single Judge convicting the appellant for committing contempt of Court has been impugned in the present appeal.

The appellant has been sentenced to undergo simple imprisonment for a period of six months. It is on account of violation of undertaking given by him that the cheque of ₹ 7.50 crores submitted by him with the bank will be encashed on presentation. The cheque was dishonoured. It is claimed that ₹ 4 crores were paid thereafter but the balance remained, which, as claimed, were offered during the pendency of the present contempt proceedings. The amount could not be paid as the appellant was not able to arrange the same.

Certain developments have taken place after conviction of the appellant in the contempt petition. The petitioner has settled his entire loan account with the bank under One Time Settlement Policy and has paid the entire dues.

In views of the aforesaid changed circumstances, learned counsel for the appellant submitted that the unconditional apology tendered by the appellant be accepted and the conviction be set aside.

The facts are not disputed by learned counsel for the respondent.

After hearing learned counsel for the parties and considering the fact where the appellant had been convicted on account of violation of undertaking furnished by him regarding encashment of cheque of ₹ 7.50 crores deposited by him with the bank and keeping in view the changed circumstances where the appellant had settled the loan account with the bank which was earlier in default, we take a lenient view of the matter and while accepting the unconditional apology tendered by him, set aside the order of conviction and sentence of the appellant in contempt. However, as the matter remained pending in this Court and the appellant is being given this concession only on account of settlement of entire dues with the bank, he will deposit ₹ 2 lakhs as costs with the Registry of this Court within two months.

The appeal stands disposed of.

(Rajesh Bindal)
Judge

22.2.2018
vs

(B. S. Walia)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No