

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

CONTEMPT CASE NO: 3109 OF 2018

ORDER :

This Contempt Case is filed by the petitioner/respondent No.2/complainant under section 10 to 12 of Contempt of Court Act, 1971 seeking to punish the respondent/accused for wilfully and deliberately disobeying the orders passed by this Court on 10-4-2017 in Criminal Revision Case No. 2343 of 2013 and to award compensation and pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Heard both sides.

3. The respondent and the petitioner are present in this contempt case at the stage before admission and the contempt case filed is pursuant to the order passed by this Court in Criminal Revision Case No. 2343 of 2013 and the observations of the Hon'ble Apex Court made in S.L.A. [Criminal] No.7002 of 2017, dated 09/07/2018 with observation of the petitioner as complainant in the cheque bouncing case against the respondent/accused withdrew the appeal before the Hon'ble Supreme Court with liberty to take-up appropriate proceedings in contempt before the appropriate court in accordance with law and prayer is allowed.

4. It is consequently to it from the non-payment though other remedy available under section 421 or 431 read with section 421 Cr.P.C., including from the expression of the Apex Court in *BALRAJ v/s. STATE OF UTTAR PRADESH* ¹, the petition consequent to the observation of the Supreme Court entertained and the amount payable pursuant to the judgment supra is Rs.9,00,000=00 as fine for dishonour of the cheque as sentence by modifying from six months imprisonment of the lower appellate court confirmed of the trial court to fine of Rs.9,00,000=00 of which Rs.8,50,000=00 is payable to the complainant and Rs.50,000=00 to the State and he brought Rs.4,50,000=00 of which the initial amount of fine goes to State is Rs.50,000=00 supra to be deducted and the complainant wants to accept Rs.4,00,000=00 in postponement of the hearing of the contempt petition before admission from the assurance of the respondent/accused to pay in the meantime by recording the same, Rs.50,000=00 is directed to be deposited with the Registry [with concerned Account Section under the Control of Registrar concerned] to remit to the concerned Head of the Account or to remit to the lower Court to pay under the said Head of Account as part of Fines to the State Government and Rs.4,00,000=00 since paid and received by the petitioner/complainant recorded and as the petitioner is also conceded to the request to pay the balance amount within six months in instalments, the same is recorded by closing the

¹) A.I.R. 1995 SC - 1935

contempt case before admission by giving liberty in the event of non-payment within six months from today to file a fresh petition to proceed in accordance with law, for which no limitation applies because the original petition filed within time.

5. The contempt case is accordingly disposed of.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Dr. JUSTICE B. SIVA SANKARA RAO.

15/02/2019
I s L



HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

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[RESULT :: DISPOSED OF]



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