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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

L.P.A.No.11 of 2026

CNR:{HCMA010690852026}

AND

C.M.P.No.10045 of 2026

Case QR

1.Mr.Kranthi Kumar Pati, IAS
District Collector
Coimbatore, District Collector
Office State Bank Road,
Gopalapuram Coimbatore 641 018

2.Dr.M.Sharmila
District Revenue Officer
(Competent Authority)
Coimbatore Dist. Collector Office
State Bank Road, Gopalapuram
Coimbatore 641 018

Appellant(s)

Vs

1.S.Vanitha
D/o.Late K.Sundaresan
W/o.M.Balakumar
No.929, 10th Cross, 5th Main E and F
Block Ramakrishna Nagar, Mysore
Karnataka 570 022

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2.S.Jagannathan
S/o.Late K.Sundaresan
No.929, 10th Cross, 5th Main E and F
Block Ramakrishna Nagar, Mysore
Karnataka 570 022

3.S.Vijaykumar
S/o.Late K.Sundaresan
No.929, 10th Cross, 5th Main E and F
Block Ramakrishna Nagar, Mysore
Karnataka 570 022

4.S.Thiagarajan
S/o.Late K.Sundaresan
No.929, 10th Cross, 5th Main E and F
Block Ramakrishna Nagar, Mysore
Karnataka 570 022

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 06.02.2026 passed by the learned Single Judge in Contempt Petition No.1529 of 2025 in Criminal Appeal No.223 of 2013.

For Petitioner(s): Mr.N.Palanivel
Government Advocate (Crl. Side)

For Respondent(s): Mr.Nanchil J.Deekshith

ORDER

(Made by G.ARUL MURUGAN, J.)

This appeal is filed assailing the order dated 06.02.2026 passed in Contempt Petition No.1529 of 2025.

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2.1. Learned Government Advocate appearing for the appellants submitted that when the Contempt Petition was filed alleging disobedience of the judgment passed in the Criminal Appeal, the respondents herein filed a calculation memo as directed by the Court. However, by the order dated 06.02.2026, the learned single Judge directed the appellant/authorities to pay a sum of Rs.88,69,381/- on or before 26.02.2026, which is erroneous, unsustainable and beyond the decision passed in the criminal appeal.

2.2. Learned Government Advocate further submitted that when the Court exercising contempt jurisdiction has gone beyond the order in respect of which contempt is alleged by imposing new directions, the LPA filed is maintainable and in such circumstances, he seeks interference of this Court.

3. Per contra, learned counsel appearing for the respondents submitted that since the respondents are depositors who were cheated by the accused, in the decision passed in the criminal appeal, the Court had convicted the accused and also directed compensation to be

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paid along with interest and since the compensation was not paid to the depositors, they filed a contempt petition wherein the learned single Judge had only directed the authorities to pay the amount as per the calculation submitted by them and therefore, no interference is required in the orders passed.

4. We heard the rival submissions and perused the materials available on record.

5. The respondents herein are the depositors in one M/s.Ravi and Co. The respondents claimed that they had made deposits in the said firm and since the persons who were in charge of the business did not return the deposits and thereby cheated the depositors, they lodged a complaint. The complaint was taken on file in C.C.No.64 of 2008 and the Special Court for TNPID Act cases, Coimbatore, by judgment dated 17.12.2012, acquitted the accused. However, in the appeal preferred by the State in Crl.A.No.223 of 2013, this Court allowed the appeal by judgment dated 06.09.2018, set aside the acquittal and the accused were convicted and sentenced as under:

"3. Considering the representation made by the respondents

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2 to 4/accused and the mitigating circumstances viz., their age and family circumstances and in order to meet the ends of justice, the respondents 2 to 4/accused are convicted and sentenced to undergo rigorous imprisonment for a period of one year each for the offences under Sections 420, 406 IPC r/w 120-B IPC & Section 5 of TNPID Act cases, and pay a fine of Rs.1,00,000/- (Rupees One Lakh) each in default to undergo for a further period of two months simple imprisonment. Also the respondents 2 to 4 are liable to pay sum of Rs.37,90,600/- with interest from the date of chargesheet as compensation under Section 357(3) of Cr.P.C. Once the compensation amount is deposited, i.e., Rs.37,90,600/- with interest, after deducting the amount already deposited by the respondents 2 to 4, the same may be paid to the depositors. If the depositors are died, their legal heirs can claim the amount by producing necessary legal heir certificate before the competent authorities in accordance with law. The sentence imposed for all the offences shall run concurrently and the period which already, if any undergone by the respondents 2 to 4 is ordered to be set off."

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6. From the aforesaid decision, it is evident that the acquittal passed by the TNPID Court was reversed and the criminal appeal was allowed by convicting the accused and imposed the sentences as referred to above, wherein the accused i.e., respondents 2 to 4 in the appeal were held to be liable to pay a sum of Rs.37,90,600/- with interest from the date of the charge sheet as compensation. The Court observed that the depositors are entitled to receive this amount and even if the depositors have died, their legal heirs will be entitled to receive it.

7. Alleging disobedience of the order dated 06.09.2018 in Crl.A.No.223 of 2013, the respondents have filed the contempt petition. In the contempt petition, by the impugned order dated 06.02.2026, the learned single Judge had directed the appellants to pay a sum of Rs.88,69,381/- to the respondents herein on or before 26.02.2026. The order passed is extracted hereunder:

"Today, when the matter was taken up for hearing, a calculation memo was submitted by the learned counsel for the petitioner before this Court, wherein the petitioner has claimed a

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sum of Rs.1,72,85,136/- as the net balance amount, together with interest at the rate of 24% per annum, stated to be due and payable to him as on 16.07.2025.

2. The learned Government Advocate (Crl.Side) appearing for the respondent also submitted a calculation memo on behalf of the respondents, wherein the compensation payable to the petitioner, together with interest at the rate of 12% per annum, has been calculated at Rs.88,69,381/-.

3. Since this Court finds the calculation submitted by the respondent to be reasonable, the respondents are directed to pay a sum of Rs.88,69,381/- (Rupees Eighty Eight Lakhs Sixty Nine Thousand Three Hundred and Eighty One only) to the petitioner on or before 26.02.2026. 4. Post the matter on 27.02.2026."

8. From a bare perusal of the order, it is evident that the criminal appeal came to be allowed, wherein it was held that the accused were liable to pay a sum of Rs.37,90,600/- along with interest, which could only be recovered by bringing the attached

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properties for sale. In the contempt petition, when the respondents herein claimed that they were entitled to a sum of Rs.1,72,85,136/- along with interest based on the directions, the appellants had only filed a calculation memo submitting that the respondents herein were entitled to an amount calculated at Rs.88,69,381/-. Thus, the said sum of Rs.88,69,381/- can only be realised through the sale of the properties attached from the accused.

9. At any event, this amount cannot be ordered to be deposited by the appellants herein, viz., the District Collector and the District Revenue Officer, who were not parties to the criminal appeal. Under the TNPID Act, when an attachment of properties is made and confirmed by the Special Court, the authorities are required only to bring the attached properties to sale.

10. In the instant case, we are informed that proceedings were initiated to bring the attached properties of the accused to sale, which could not be completed as the accused challenged the sale notice before this Court in W.P.No.4243 of 2026, wherein the sale proceedings were stayed. Unless a decision is taken in the said writ

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petition, the authorities cannot proceed with the sale to realise the amounts to be ultimately paid to the depositors. In such circumstances, the contempt petition alleging disobedience of the order passed in the criminal appeal cannot be maintained against the appellants herein, who are merely the competent authorities under the Act entrusted with conducting the auction and bringing the properties to sale based on the directions of the TNPID Court and against whom no willful disobedience of the orders of this Court can be alleged.

11. When an amount of Rs.88,69,381/- was determined as payable to the respondents herein, it goes without saying that the respondents would be entitled to that amount only if the properties are ultimately sold through an auction. That being so, the impugned order passed by the learned single Judge directing the appellants to pay a sum of Rs.88,69,381/- to the respondents herein on or before 26.02.2026 travels beyond the decision passed in the criminal appeal. Therefore, we are of the considered opinion that the impugned order under challenge in this LPA is liable to be interfered with.

12. The Apex Court, in *Midnapore Peoples' Coop. Bank Ltd. v.*

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Chunilal Nanda[1], in paragraph 11(V), has held that if the High Court, for whatever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy. Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India.

13. The scope of contempt jurisdiction is well settled. In *Sudhir Vasudeva v. M.George Ravishekeran*[2], the Supreme Court clearly delineated the boundaries of contempt powers. At paragraph 19, the Supreme Court held thus:

> *"19.* ***The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971****. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to*

[1](2006) 5 SCC 399
[2](2014) 3 SCC 373

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exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. ***The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered****. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenched upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above.*** *The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, Jhareswar Prasad Paul v. Tarak Nath*

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Ganguly, (2002) 5 SCC 352; V.M. Manohar Prasad v. N. Ratnam Raju, (2004) 13 SCC 610, Bihar Finance Service House ConstructionCoop. Society Ltd. v. Gautam Goswami. (2008) 5 SCC 339, and Union of India v. Subedar Devassy PV, (2006) 1 SCC 613."

[emphasis supplied]

14. The law laid down by the Supreme Court establishes three clear rules:

(i) A court exercising contempt jurisdiction cannot travel beyond the explicit terms of the original order;

(ii) Contempt jurisdiction cannot be used to issue fresh, additional, or supplemental directions to expand the original order; and

(iii) Contempt proceedings cannot re-examine or modify issues already decided, nor can they usurp corrective jurisdictions like review or appeal.

15. Since the learned Single Judge, by issuing fresh directions in the contempt petition, has exceeded the scope of the orders passed in the criminal appeal, the present LPA is maintainable. As held by the

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Hon'ble Supreme Court, whenever an order is passed in the exercise of contempt jurisdiction that travels beyond the original order by issuing fresh directions, an LPA filed against such an order is maintainable.

16. In view of the foregoing discussion, the present LPA stands allowed and the impugned order dated 06.02.2026 is hereby set aside. It is made clear that it is open to the respondents herein to approach the competent authorities and seek expeditious steps for bringing the attached properties to sale either by getting themselves impleaded in the pending proceedings or by adopting such other appropriate course in accordance with law so as to ultimately realise the compensation amount payable to the depositors, as directed in the criminal appeal. There shall be no order as to costs. Connected C.M.P. is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ.) (G.ARUL MURUGAN, J.)

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Index : Yes/No
Neutral Citation : Yes/No
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AND
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