

I T E M N O . 2

C O U R T N O . 1 0

S E C T I O N X I A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SI . A . N O . 1 I N C O N M T . P E T . (C) N O . 3 1 7 / 2 0 0 7 I N
C I V I L A P P E A L N O (s) . 2 0 8 0 O F 2 0 0 7

B . C . D A G A R A

A p p e l l a n t (s)

V E R S U S

M . K . D . M I N E R A L & E X P O R T (P) L T D .

R e s p o n d e n t (s)

(F o r p e r m i s s i o n o f t h e s e n t e n c e u n d e r A r t i c l e 1 4 2 o f t h e C o n s t i t u t i o n o f I n d i a r e a d
w i t h O r d e r X L V I I R u l e 6 o f S C R 1 9 6 6)

D a t e : 0 8 / 0 9 / 2 0 0 8 T h i s A p p e a l w a s c a l l e d o n f o r h e a r i n g t o d a y .

C O R A M :

H O N ' B L E M R . J U S T I C E R . V . R A V E E N D R A N

H O N ' B L E M R . J U S T I C E D A L V E E R B H A N D A R I

F o r A p p e l l a n t (s)

M r . P . P . R a o , S r . A d v .
M r . N a g e n d r a R a i , S r . A d v .
M r . R a j K u m a r M e h t a , A d v .
M r . M r a g a n k , A d v .
M s . N a l i n i P a l , A d v .
M r . M a t a d i n , A d v .
M r . P . K . R a t h o , A d v .

F o r R e s p o n d e n t (s)

M r . J a n a K a l y a n D a s , A d v .
M r . A v i j e e t B h u j a b a l , A d v .U P O N h e a r i n g c o u n s e l t h e C o u r t m a d e t h e f o l l o w i n g
O R D E RB y o r d e r d a t e d 1 6 . 7 . 2 0 0 8 , t h i s C o u r t f o u n d t h e p e t i t i o n e r i n
t h i s I . A . g u i l t y o f c o n t e m p t a n d s e n t e n c e d h i m t o u n d e r g o t h r e e m o n t h s
i m p r i s o n m e n t a n d p a y a f i n e o f R s . 5 , 0 0 , 0 0 0 / - (R u p e e s f i v e l a c s o n l y) .
I n p u r s u a n c e o f t h e s a i d o r d e r , t h e p e t i t i o n e r h a s b e e n t a k e n t o
c u s t o d y a n d i s i n j a i l f r o m 1 . 8 . 2 0 0 8 .

.....2.

- 2 -

I T E M N O . 2

C O U R T N O . 1 0

D A T E D 8 . 9 . 2 0 0 8contd.

T h e p e t i t i o n e r h a s m a d e t h i s a p p l i c a t i o n f o r r e m i s s i o n o f
s e n t e n c e o n t h e g r o u n d t h a t h e i s 6 7 y e a r s o l d s u f f e r i n g f r o m d i a b e t e s
a n d h e a r t d i s e a s e ; t h a t h e h a s d e p o s i t e d t h e f i n e a m o u n t o f
R s . 5 , 0 0 , 0 0 0 / - ; t h a t h e h a s t a k e n s t e p s t o p u r g e h i m s e l f o f t h e
c o n t e m p t a n d i s r e a d y a n d w i l l i n g t o s u p p l y t h e q u a n t i t y t o t h e
r e s p o n d e n t i f s u f f i c i e n t t i m e i s g i v e n t o h i m . H e h a s t e n d e r e d a n

unconditional apology to the Court in regard to the disobedience.

The petitioner, however, submits that he may be permitted to sell the quantity that the respondent has rejected and permit him to recommence the mining so that he can fulfill his liability to supply ore either by making purchases from the open market or by mining the ore, from his mines. We consider the offer to be reasonable. However, until the supply is made there cannot be purging of the contempt.

Therefore, we direct the release of the petitioner on bail on executing self bond for Rs.10,000/- (Rupees ten thousands) to enable him to make arrangement for the supply. The question of remission will be considered on completing the supply.

List the matter after eight weeks.

(Ravi P. Verma)
Court Master

(Anand Singh)
Court Master