

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).1651/2004

(From the judgement and order dated 19/12/2003 in CRLM No. 4288/2003 of the HIGH COURT OF DELHI AT N. DELHI)

M/S. M.S. SHOES EAST LTD.

Petitioner(s)

VERSUS

VENKATESH DUTT

Respondent(s)

(With appln(s) for directions, initiating contempt proceedings, stay, c/delay in filing counter affidavit,

permission to place addl. documents on record and office report )(FOR FINAL DISPOSAL)

Date: 21/11/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s)

Ms. B. Vijayalakshmi Menon, Adv.

For Respondent(s) Mr. L.C. Goyal, Adv.

Mr. S. Chopra, Adv.

Ms. Madhu Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

The order dated 29th August, 2005 records the conduct of the respondent and

how he has been evading the court from time to time despite issue of non-bailable

warrants against him. The Director General of Police, Karnataka, was directed to send

a report giving reasons for non-execution of non-bailable warrants against the

respondent. The report dated 13th September, 2005 along with the report of

Commissioner of Police dated 12th September, 2005 has been sent to this Court. We are

surprised to read these reports which show the manner in which unsuccessful attempts

were made to execute the non-bailable warrants. In the order dated 29th August, 2005,

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we have already noted that the non-bailable warrants were not executed but the

respondent appeared in Court. Since most of the payments have been made by the

respondent, we do not think it necessary to further pursue this matter regarding non-

execution of the non-bailable warrants by the police.

The next question is about the direction for payment of further interest. In

terms of the undertaking given by the respondent to this Court on 1st September, 2004,

a sum of Rs.10 lakhs was payable by him to the petitioner on or before 1st December,

2004, a sum of Rs.81.40 lakhs on or before 1st March, 2005 and a further sum of Rs.50

Lakhs on or before 1st July, 2005. Out of these amounts, the respondent has now, on

29th October, 2005, paid a sum of Rs.1,21,40,000/-, Rs.20 Lakhs having been paid

earlier. According to the respondent, on delayed payment, if calculated at the rate of 12

per cent per annum, the amount of further interest payable would be Rs.7.71 lakhs.

According to the petitioner, however, the accrued rate of interest is 24 per cent per

annum and, even at 12 per cent per annum, the amount payable towards interest would

be about Rs.8 lakhs.

Having regard to the facts and circumstances of the case, we direct the

respondent to pay to the petitioner a lump sum amount of Rs.7.75 lakhs within a period

of four weeks. On the said amount being made, the undertaking and the order dated 1st

September, 2004 would be treated to have been worked out and the complaints shall

stand quashed. If the payment is not made, the petitioner would be at liberty to have

these complaints revived. The passport of the respondent shall be released on payment

of the amount under this order.

The special leave petition and the Criminal Miscellaneous Petition for

initiating contempt proceedings are disposed of accordingly.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master

