

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 and initiating contempt proceedings and stay and permission to place

additional documents on record and c/delay in filing counter affidavit and cancellation of non-bailable

warrants)

(FOR FINAL DISPOSAL)

Date: 29/08/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s) Ms. Anuradha Dutt, Adv.

Ms. B. Vijayalakshmi Menon, Adv.

For Respondent(s) Mr. Vikas Singh, Sr. Adv.

Mr. L.C. Goyal, Adv.

Mr. K.K. Gaur, Adv.

Mr. Shivinder Chopra, Adv.

Ms. Partibha Kumari, Adv.

Ms. Madhu Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

A perusal of orders made for the last about one year, i.e. from 1st September,

2004 onwards, shows as to how the respondent, Venkatesh Dutt, has been playing hide

and seek with the court besides not complying with the orders and the undertakings

given by him on 1st September, 2004 and 2nd May, 2005. In terms of the undertaking

given on 1st September, 2004, the respondent was required to pay a sum of Rs.10 Lakhs

by way of demand draft to the petitioner on or before 1st December, 2004, Rs.81.40 lakhs

1

on or before 1st march, 2005 and Rs.50 lakhs on or before 1st July, 2005. Except the

payment of Rs.10 lakhs, no other amount has been paid. On 16th April, 2005, two

weeks' time was sought to make the payment and thereafter various orders were passed

granting further time to the respondent for the said purpose. By order dated 2nd May,

2005, last opportunity was granted to him to make the payment by 25th May, 2005 and

the cases were directed to be listed in July, 2005. On 15th July, 2005, it was stated by

counsel for the petitioner that a cheque of Rs.81.40 lakhs sent by the respondent was

returned to him requiring him to send a bank draft. On that date, neither the

respondent was present nor his counsel. In terms of order dated 19th July, 2005, after noticing the background of the case, non-bailable warrants for production of the

respondent were issued. A mention made before this Court to recall the direction for

issue of non-bailable warrants which was rejected.

Though the respondent/contemnor is present in court today but the office

report shows that compliance report of execution of non-bailable warrants has not been

received so far. The Director General of Police, Karnataka, is directed to send to this

Court, within two weeks, a report as to why the non-bailable warrants were not executed

and compliance report sent to this Court.

The respondent has tendered a bank draft in a sum of Rs.10 lakhs to the

petitioner and again gives an undertaking to make full payment in terms of the order

dated 1st September, 2004 to the petitioner on or before 31st October, 2005.

We may

note that on the undertaking as recorded in the order dated 1st September, 2004,

various criminal cases against the respondent were quashed giving liberty to the

petitioner to have them revived in case of default. Though the respondent deserves no

leniency, but on the submission made by him and his counsel, we grant him one final

opportunity, as sought for, to make entire payment by 31st October, 2005. He

undertakes that in all circumstances, the payment will be made. This indulgence is

granted to the respondent subject to his depositing with the State Legal Services

Authority, Bangalore, Karnataka, a sum of Rupees One Lakh within two weeks.  
The

receipt so obtained from the State Legal Services Authority shall be placed on record of

2

the present case within two weeks.

The amounts shall be paid in terms of order dated 1st September, 2004 by

handing over bank drafts to learned counsel for the petitioner.

In view of what the respondent has stated today, at this stage, we do not think

it necessary to direct execution of the non-bailable warrants already directed to be

issued but it will not absolve sending of the report, as above directed, stating the reasons

for non-execution of non-bailable warrants.

The order dated 19th July, 2005, reviving the criminal complaints and the

execution proceedings, is kept in abeyance till the next date of hearing.

The question of issue of directions for payment of further interest would be

considered on the next date of hearing, after the full amounts have been paid by the

respondent in terms of the undertaking already given.

List the petition on 21st November, 2005.

The respondent is directed to remain present in Court on that day.

(N. Annapurna)

(V.P. Tyagi)

