

ITEM NO.52

COURT NO.2

SECTION IIB

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

CRIMINAL APPEAL NO.661 OF 2012

RAJESH HASTIMAL SHAH

Appellant (s)

VERSUS

ROYAL EXPORTS & ORS.

Respondent(s)

(With appln(s) for directions, stay, vacating stay, impleadment, permission to file additional documents and office report)

Date: 23/04/2012

This Appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s) Mr. D.K. Thakur, Adv.

Mr. Nirnimesh Dube, AOR

For Respondent(s) Mr. Rishi Malhotra, AOR

For State of Gujarat Ms. Hemantika Wahi, AOR  
Ms. Jesal, Adv.

UPON hearing counsel the Court made the following  
O R D E R

On 16th April, 2012, we had passed certain orders with regard to the consignment of meat, which had been stopped in transit at the instance of the petitioner herein and which has been lying in cold storage in Mumbai since 22nd January, 2012. Three months have passed since then and according to the respondent, the condition of the  
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consignment, which is a perishable item, has greatly deteriorated. In fact, the learned counsel had submitted that the importer was no longer willing to pay the price agreed upon at the time when the exports were to take place.

In that view of the matter, while directing the consignment to be released, we had also computed the loss caused to the respondent on the basis of the documents which had been filed, which also included the demurrage charges in the cold storage, at Rs.50 lacs.

We had, therefore, directed that payment of the same should be equally shared between the petitioner-complainant and the State of Gujarat. Accordingly, we had directed the State of Gujarat and the petitioner to pay a sum of Rs.25

lacs each to the respondent No.1, as compensation towards the deterioration of the value of the goods sought to be exported.

In between, on 18th April, 2012, on the submission of one of the parties we had directed that the portion of the order relating to costs, should not be given effect to till the matter was taken up again. Today, we find that an affidavit has been filed on behalf of the respondent No.1, which also sets out the details of the consignment and the tonnage and the price involved, which is more or less in conformity with our assessment.

We, therefore, direct that the remaining portion of the order be also given effect to, within a period of one month from date.

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(Chetan Kumar)                      (Juginder Kaur)  
Court Master                      Assistant Registrar