

IN TH E SU P R E M E COUR T OF INDI A
CRI M I N A L AP P E L L A T E JU R I S D I C T I O N

CRIM I N A L AP P E A L NO.1 6 0 7 OF 20 0 8
(arising out of SL P (Crl.)No. 5 3 8 3 of 2 0 0 6)

M/S SAT N A M AGRO INDUS T R I E S & AN R.

....A P P E L L A N T S

VE R S U S

STA T E OF PUN J A B & ORS.

....R E S P O N D E N T S

WI T H

CRIM I N A L AP P E A L NO. 1 6 0 8 OF 2 0 0 8
(arising out of SL P(Crl.)....CR L . M . P . N o . 6 7 0 7 / 2 0 0 7)

OR D E R

Delay condoned.

Leave granted.

Heard learned counsel for the parties.

This Court on 9 th September, 200 8 has given

a

proposal to the counsel for the parties to the effect that paddy/rice,
which is a perishable item lying in the court custody, be sold by public
auction to be conducted by the court to avoid any further loss and the
sale proceeds be deposited in the court and the court shall keep the
said amount in a fixed deposit receipt in a nationalised bank to earn
interest on the said amount. But in the meantime, complaint filed by

M/s. Punjab State Civil Supplies Corporation Ltd. (in shor
t

'PUN SU P ') and declaration suit

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may continue and on the end of the proceedings whosoever is found
entitled shall get the sale proceeds received by public auction along
with interest accrued thereon. It was made clear to all the parties
that whosoever would be responsible for causing loss should make
good the difference of the actual amount minus the sale proceeds to
the other party along with interest as directed by the court.

Today, Mrs. Jaya sh ree Wad, learned counsel
appearing for the PUN S U P , submits that the said proposal for selling

the paddy/rice by public auction is acceptable to the Corporation. She further submits that the amount so recovered from the open auction shall not be paid to the appellant without furnishing Bank Guarantee.

We have gone through the judgment of the High Court impugned in this appeal. Looking to the facts of the case and the controversy involved, we in the interest of both the parties order that the paddy/rice presently lying in the court custody at Gurusahi, District Ferozpur shall be put to public auction. Additional Chief Judicial Magistrate, Ferozpur shall conduct the public auction with the help of the Collector of the District or any other officer authorised by the Collector, after giving due publicity to the prospective auction purchasers as per the procedure adopted by the concerned Executive Officer.

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The sale proceeds received from such auction, initially shall be paid to the appellant - M/s. Satnam Agro Industries subject to the condition that the appellant-Firm shall furnish bank guarantee for the said amount before the Additional Chief Judicial Magistrate, Ferozpur. The process of auction shall be finalised within six weeks from this order. All rights and contentions raised by the parties before us are left open for the decision of the appropriate authority in appropriate proceedings. We hope that the civil suit and the criminal proceedings pending in the respective courts shall be expeditiously decided.

The Criminal Appeals are accordingly disposed of.

.....J.
(LOKESHWAR SINGH PANT A)

.....J.
(V.S. SIRPURKAR)

NEW DELHI,
OCTOBER 14, 2008.
ITEM NO.1

COURT NO.9

SECTION IIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1) No(s).5383 / 2006
(From the judgement and order dated 29 / 09 / 2006 in CR L M No.28209 / 2006 of
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

M/S SAT N A M AGRO INDUS T R I E S & ANR
VER SUS
STA T E OF PUN J A B & ORS

Petitioner(s)

Respondent(s)

(With appln(s) for permission to place addl. documents on record, permission to file rejoinder affidavit and office report)

(For Final Disposal)

WI T H SL P(C rl.)No....of 20 0 7

with CR L M P NO. 6 7 0 7 / 0 7 (c/delay in filing SL P and office report)

Date: 14 / 1 0 / 2 0 0 8 These Petitions were called on for hearing today.

CORAM : HON'B L E MR. JUS T I C E LO K E S H W A R SIN G H PA N T A
HON'B L E MR. JUS T I C E V.S. SI R P U R K A R

For Petitioner(s) Mr. Vikr a m Choudhary, Adv.
Mr. Nikhil J ain, Adv.
Mr. D. Mahesh Babu, Adv.

For Petitioner(s) Mrs. Jaysh ree Wad, Adv.
in Cr1M P 6 7 0 7 / 0 7 Mr. Ashish Wad, Adv.
& Mr. Neeraj Ku m a r, Adv.
For respondent(s) Mr. Chirag Dave, Adv.
in SL P 5 3 8 3 / 0 6 For M/s. J.S. Wad & Co., Advs.

For Respondent(s) Mr. Kuldip Singh, Adv.(N. P .)
Mr. R. K ., P a ndey, Adv.
Mr. T. P . Mishr a, Adv.
(For the State)

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

Delay condoned. Leave granted.

Heard learned counsel for the parties.

The Criminal Appeals are disposed of, in terms of non-reportable signed order placed on the file.

(A.D. Shar m a)
Court Master

(Phoolan Wati Arora)
Court Master

(Non- Reportable Signed Order is placed on the file)