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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.4774-4776 OF 2008
TEJKUMAR BALKRISHNA RUIA

APPELLANT(S)

VERSUS

CUSTODIAN & ORS.

RESPONDENT(S)

O R D E R

The appellant has been found guilty of contempt inasmuch as he had violated the restraint order dated 18 th

August, 2001 passed by the learned Judge, Special Court, who was nominated as Special Judge under the Special Court (Trial of Offences Relating to the Transactions in Securities) Act 1992. The learned Special Judge after following the due procedure sentenced the appellant to undergo simple imprisonment for a period of four months and directed to pay fine of Rs.2,000/-.

It is not in dispute that the Judge, Special Court has power to punish for contempt as envisaged under Section 11-A of the 1992 Act. The said provision reads as follows:

â S 11-A. Power to punish for contempt . - The Special Court shall have and exercise, the same jurisdiction, powers and authority in respect of contempt of itself as a High Court has and may exercise and, for this purpose, the provisions of the Contempt of Courts Act, 1971 (70 of 1971), shall have effect subject to the modifications that -

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(a) the references therein to a High Court shall be construed as including a reference to such Special Court;

(b) the references to the Advocate-General in section 15 of the said Act, shall be construed, in relation to the Special Court, as a reference to the Attorney-General or the Solicitor-General or the Additional Solicitor-General.â \235

In view of the aforesaid provision, we find that the Judge, Special Court has acted within the jurisdiction.

It is submitted by Mr.Jayant Bhushan, senior learned counsel being assisted by Mr.Naveen Chawla, learned counsel for the appellant that during the pendency of this appeal the appellant has satisfied the decree and it is evident from the order passed in Misc. Application No.285/2008 in Misc. Application Nos.98-105 of 2001. Para 2 of the said proceedings reads as follows:-

â SSo far as Misc. Application No.285 of 2008 is concerned, in this application, the decrees are satisfied and, therefore, the Misc. Application No. 285 of 2008 does not survive and disposed of.

Interim orders, which are passed in Execution Applications do not survive and are vacated. The securities which are furnished, if any, by the Applicants may be released and discharged.â \235
It has also been so found by learned Judge, Special Court.

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It is urged by Mr.Jayant Bhushan that after the decree has been satisfied and whatever the violation the appellant had committed would stand mitigated. Additionally it is urged by him that with the efflux of time the appellant who is a septuagenarian at present has developed a number of diseases which include Diabetic

Vascularpathy, Diabetic Nephropathy, Diabetic Gastropathy, IHD (Ischaemic Heart Disease), Peripheral Vascular Disease, Generalized Seizure and Transient Ischaemic Attacks (TIA). The appellant has also undergone several surgeries.

In view of the aforesaid, we are inclined to modify the sentence by restricting it to fine alone. The substantive sentence is set aside.

The appeals are allowed to the extent indicated above.

No costs.

.....J.

(DIPAK MISRA)

.....J.

(A.M. KHANWILKAR)

.....J.

(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;

22 nd

FEBRUARY, 2017.

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ITEM NO.105

COURT NO.2

SECTION XVII

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

RECORD OF PROCEEDINGS

Civil Appeal No(s).4774-4776/2008

TEJKUMAR BALKRISHNA RUIA

Appellant(s)

VERSUS

CUSTODIAN & ORS.

Respondent(s)

(with appln. (s) for stay)

Date : 22/02/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s)

Mr. Jayant Bhusan, Sr. Adv.

Mr. Naveen Chawla, Adv.

Mr. T. Mahipal, Adv.

For Respondent(s)

Mr. Arvind Kumar Tewari, Adv.

Ms. Shama Sharma, Adv.

Mr. Subramonium Prasad, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The civil appeals are allowed in terms of the signed order.

(Ashok Raj Singh)

(H.S. Parasher)

Court Master

Court Master

(Signed Order is placed in the file)