

SUPREME COURT LOK ADALAT

Petition(s) for Special Leave to Appeal (Crl) No(s).7593 of 2007

(From the judgement and order dated 12.9.2007 in SCRLA No.1686/2007 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

S.P. SINHA

Petitioner(s)

VERSUS

STATE OF GUJARAT & ANR.

Respondent(s)

(With appln.(s) for stay of arrest)

WITH

SLP(CRL) NO.7613/2007 (With appln.(s) for stay and office report)
 SLP(CRL) NO.7615/2007 (With appln.(s) for stay of arrest and office report)
 SLP(CRL) NO.7616/2007 (With appln.(s) for stay and office report)
 SLP(CRL) NO.7625/2007 (With appln.(s) for stay and office report)

Date: 6/12/2008 The above appeal was taken up today for settlement.

MEMBERS OF LOK ADALAT:

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
 HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. R.D. Prasad, Adv.
 Mr. Keshav Mohan, Adv.
 Mr. Gaurav Kejriwal, Adv.

For Respondent(s) Ms. Hemantika Wahi, Adv.
 Ms. K. Enatoli Sema, Adv.

In-person

For R-2 Mr. Saurabh Kumar Singh, Adv.

This matter was taken up at the Supreme Court Lok Adalat with the consent and agreement through their counsel. The following settlement is recorded :

The petitioner is the ex-Chairman of M/s. Jenson & Nicholson

(India) Ltd., hereinafter 'the Company', for short.

The second

respondent had supplied some materials to the Company and certain cheques had been issued by the said

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Company. The said cheques having been dishonoured, the second respondent lodged five complaints. The persons arrayed as accused in the said complaints are the Company, the petitioner and some other ex-Directors of the Company. The said complaints are pending on the

file of Learned Additional Judicial Magistrate, Valsad (Gujarat).

These SLPs are in regard to rejection of the petitioner's application for exemption from personal appearance. However, the petitioner and the second respondent have arrived at the following final settlement:

(1) The petitioner will ensure that the Company will pay a sum of Rs.9,79,765/- (Rupees nine lakhs, seventy nine thousands, seven hundred and sixty five only) (which is the total amount of the cheques which are the subject matter of the complaints) in the following manner:

(a) Rs.1,00,000/- (Rupees one lakh only) to be paid by a Bank Pay Order/Demand Draft on or before 31.1.2009;

(b) Eight monthly instalments of Rs.1,00,000/- each (Rupees one lakh only) and the ninth monthly instalment of Rs.79,765/- (Rupees seventy nine thousands, seven hundred and sixty five only) to be paid starting from 1.1.2010;

The petitioner undertakes that he will personally

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guarantee the payment of the said amount in the aforesid manner.

The parties agree that the criminal cases pending before the learned Additional Judicial Magistrate, Valsad shall be kept pending until full payment is made and thereafter appropriate application for compounding be made in terms of the aforesaid settlement.

The first respondent, State of Gujarat, has no objection for the cases being postponed by a period of one year.

In view of the above settlement, the second respondent will not

oppose the petitioner's application for exemption from personal appearance.

The second respondent will also give credit for the amount paid as aforesaid in the pending Civil Suit (which is for a larger amount).

The settlement is only in regard to the five complaints that are pending before the learned Additional

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Judicial Magistrate, Valsad and is without prejudice to the contentions of either side. If the aforesaid payments are made, the cases will not be taken up before the learned Additional Judicial Magistrate, Valsad till October 2010. If there is any default, the second respondent can approach the learned Additional Judicial Magistrate for proceeding with the matter.

Special Leave Petitions are disposed of in terms of the above settlement.

Counsel for the petitioner Counsel for the respondent
Before us

.....J.
(R.V. RAVEENDRAN)

.....J.
(LOKESHWAR SINGH PANTA)