

ITEM NO.21 Court 12 (Video Conferencing)

SECTION II-B

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 36587/2019

P.K. RAFEEQUE

Petitioner(s)

VERSUS

SREE GOKULAM CHIT AND FINANCE (P) LTD. & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.161518/2019-EXEMPTION FROM
SURRENDERING WITHIN TIME)

Date : 15-10-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
[IN CHAMBER]

For Petitioner(s) Mr. Radha Shyam Jena, AOR

For Respondent(s)

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

Learned counsel for the petitioner drawing the attention of the Court at page 8 of the Additional Documents submits that the matter is compromised between the parties inasmuch as he has paid the amount of Rs.5,00,000/- (Rupees five lac only) to the respondent. The said submission is recorded.

Legally speaking, the petitioner has to deposit fine of Rs.5,00,000/- before the Trial Court or before the appropriate court. It is not open for the petitioner to pay Rs.5,00,000/- as fine to the respondent. If the parties want to compromise the matter, they can do so while the matter is pending before this Court. Compromise can take place with the permission of the Court and the fine can be ordered to be paid towards compensation, etc. to the respondent. Such a procedure seems to have not been followed in the matter on hand.

Learned counsel for the petitioner, drawing the attention of

the Court to the order dated 04.11.2019, however, submits that he has paid more than Rs.5,00,000/- to the respondent directly and compromised the matter. Since the matter is said to have been compromised, I do not want to stand on technicalities. However, the petitioner has not produced any document to show that he has paid Rs.5,00,000/- or more. Hence, the petitioner is granted four weeks time to produce proper record before this Court to show that he has either deposited the fine in Court or paid Rs.5,00,000/- or more as compensation to the respondent directly in order to compromise the matter.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)