

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NOS. 132-134 OF 2004

GUJARAT AGRO INDUSTRIES CORPN. LTD..... APPELLANT

VERSUS

RAYALA SIMA AGRO ENTERPRISES & ORS..... RESPONDENTS

O R D E R

1. We have heard learned counsel for the parties.
2. In response to our order dated 21st October, 2010, an additional affidavit has been filed by Mr. Akhil Sibal, learned counsel for the respondent-Enterprise, which is largely to the effect that a sum of Rs. 10 lakhs which had been furnished as a bank guarantee by the respondent had been encashed by the appellants and a decree for a sum of Rs. 26 lakhs had also been obtained by the appellant against the respondent.
3. Mr. Sanjay R. Hegde, learned counsel for the appellant-Corporation, however, states that despite his efforts to get in touch with his clients, he has not been able to do so as there has been no response to his

communications. We, therefore, take it that the additional affidavit filed by the respondent is correct. We, accordingly, dispose of these matters leaving the questions of law raised by the appellants open, with liberty to the appellant-Corporation to execute the decree if permissible in law.

4. The appeal is disposed of with the above directions.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
JANUARY 11, 2011.

