

CASE NO.:
Writ Petition (crl.) 382 of 2001

PETITIONER:
SMITA AMBALAL PATEL

RESPONDENT:
ILA VIPIN PANDYA

DATE OF JUDGMENT: 22/02/2008

BENCH:
K.G. BALAKRISHNAN, C.K. THAKKER & R.V. RAVEENDRAN

JUDGMENT:
JUDGMENT

O R D E R

CRIMINAL M.P. NO 794 OF 2008
IN
CRIMINAL M.P. NO. 5085 OF 2006
IN
CRIMINAL APPEAL NO. 382 OF 2001

K.G. Balakrishnan, CJI

(1) The Division Bench of the Bombay High Court found the petitioner guilty of contempt of court and sentenced her to imprisonment for a period of three weeks. Aggrieved by that order, the petitioner filed an appeal before this Court. On March 26, 2001, this Court passed an order and held that the imprisonment ordered by the High Court would remain suspended for a period of five years and the petitioner herein was directed to give an undertaking before the learned Single Judge (before whom the contempt was committed by her) in the form of an affidavit that she will not commit any act of contempt of any court hereafter and that if the said undertaking is violated the sentence of imprisonment imposed on her will automatically revive and the appellant will be liable to be put in prison for undergoing that part of the sentence. It was also indicated in that order that as to what would be the situation after the period of five years will be decided by the High Court on a motion made by the appellant-contemnor.

(2) The petitioner sought modification of the order dated March 26, 2001 by filing review petition. The same was filed in 2006, long after the order passed in appeal filed by the petitioner. The said petition for modification of this Court's order dated March 26, 2001 was dismissed on July 17, 2006. Now, the petitioner seeks clarification or modification of order passed by this Court on July 17, 2006 and also to set aside the show-cause Notice for Contempt issued by the learned Single Judge on August 25, 2000.

(3) The petitioner herself argued the matter. We find no reason to grant the prayers sought for by the petitioner. However, we make it clear that the undertaking given by her before the learned Single Judge as directed by this Court for suspending the custodial sentence has now exhausted itself as five years have elapsed and no further direction is required in this matter.

(4) The Criminal Miscellaneous Petition is disposed of accordingly.

JUDIS