

ITEM NO.113

COURT NO.7

SECTION IIA

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

CRIMINAL APPEAL NO(s). 243 OF 2005

RAJESH CHARI

Appellant (s)

VERSUS

ZUARI STRUCTURAL WORKS

Respondent(s)

(With appln(s) for suspension of sentence and office report)

Date: 12/08/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE C.K. PRASAD

For Appellant(s)

Mr. Devadatt Kamat, Adv.
Mr. Rauf Rahim, Adv.

For Respondent(s)

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

The appeal is partly allowed in terms of the
signed order.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]



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

CRIMINAL APPEAL NO. 243 OF 2005

RAJESH CHARI

.....

APPELLANT

VERSUS

ZUARI STRUCTURAL WORKS

.....

RESPONDENT

O R D E R

1. On 11th January, 2007, this Court made the following order:

“Let fresh notice be issued to the respondent.

Office is directed to sent notice by registered post as well.

Learned counsel for the Appellant has made a statement that the appellant has deposited an amount of Rs. 45,000/-. The appellant is directed to file an affidavit clearly stating whether the said amount has been deposited and also submit proof of the deposit allegedly made.

List after one month.”

2. In response to the order, the appellant has also filed an affidavit dated 14th February, 2007 and in paragraph 5 thereof, it has been averred that a sum of Rs. 49,094/- which was the amount computed after adding the interest to Rs. 45,000/- that is the amount of the cheque, had been deposited by the appellant in the High Court and that the respondent had received the said amount on 24th October, 2005. We also see that despite

service the respondent has not put in appearance. In this background, we feel that the ends of justice would be met if we maintain the conviction but set aside the sentence of imprisonment. We make an order in the above terms.

3. The appeal is, accordingly, partly allowed.

.....J
[HARJIT SINGH BEDI]

.....J
[C.K. PRASAD]

NEW DELHI
AUGUST 12, 2010.

