

Shantilal Makanji Kalyanji Shah

Vs

Ranchoddas Girdhardas and Others

Criminal Appeal No. 384 of 1978

(Syed M. Fazal Ali, A. D. Koshal JJ)

11.04.1979

JUDGMENT

FAZAL ALI, J. –

We have heard learned Counsel for the parties in this case. The High Court has convicted the appellant for having committed an offence of contempt of court under the Contempt of Courts Act for committing a breach of the clear undertaking given by him to the Court for handing over possession of the house in question to the respondent. The High Court has discussed the various aspects of the case and found that the defence of the appellant that he was not in possession of the property was absolutely false and he deliberately committed the breach of the undertaking given by him to the Court. This was undoubtedly a very serious matter which calls for a server punishment and accordingly the High Court sentenced the appellant for detention in Civil Prison for 6 months and fine of Rs. 2000. Mr. Lalit pressed this appeal substantially on the question of sentence only. Having regard to the facts and circumstances of this case, we think the ends of justice will be met by reducing the sentence of imprisonment from six months to one month and fine from Rs. 2000 to Rs. 1000 particularly in view of the poor health of the appellant. With this modification in this sentence, the appeal is dismissed. There will be no order as to costs.

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