

Miss Sophy Kelly

Vs

Chandrakant Ganpat

Criminal Appeal No. 442 of 1987

(G. T. Nanavati, N. Santosh Hegde JJ)

04.02.1999

JUDGMENT

G. T. Nanavati J

1. The appellant has filed this appeal under Section 19(1)(b) of the Contempt of Courts Act as she has been found guilty of having committed civil contempt. She has been sentenced to pay a fine of Rs. 2,000/- and also to undergo detention in a civil prison for 15 days.
2. As it appears from the judgment of the High Court, the appellant had wilfully flouted the interim order dated 19.8.1986 passed by the Schools Tribunal, Bombay, and not paid the dues of its employees (non-teaching staff).
3. What is urged by the learned counsel for the appellant is that the appellant was about 70 years old when she was convicted by the High Court and now she is about 83 years old and, therefore, this court should deal with her sympathetically and remit the sentence of detention of civil prison.
4. We have also heard learned counsel for the State. Considering the changed circumstances, we are of the opinion that it is now not necessary to send the appellant to civil prison for detention, as ordered. We, therefore, allow this appeal partly and set aside that part of the order passed by the High Court whereby she has been directed to undergo detention in civil prison for 15 days.