

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

CrI.MC.No. 7608 of 2015

C.C.NO.150/2014 OF CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR

CRIME NO. 500/2011 OF WADAKKANCHERY POLICE STATION , THRISSUR

PETITIONER(S)/4TH ACCUSED :

**P.P.RANGA REDDY, AGED 63 YEARS,
S/O.RENGA REDDY, FLAT NO.182, VEMANA COLONY,
CHANDA NAGAR, HYDERABAD, TELANGANA.**

BY ADV. SRI.RAJIT

RESPONDENT(S)/STATE :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-12-2015, ALONG WITH CrI.MC.No.7611 OF 2015 AND
CrI.MC.No.7654 OF 2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A: TRUE COPY OF THE FINAL REPORT FILED BY
THE WADAKKANCHERY POLICE AGAINST THE PETITIONER
AND OTHER ACCUSED.**

**ANNEXURE B: TRUE COPY OF THE EXTRACT OF PARTICULARS
MAINTAINED BY THE MINISTRY OF CORPORATE AFFAIRS IN
RESPECT OF NANO EXCEL POWER CORPORATION LTD.**

**ANNEXURE C: TRUE OF THE EXTRACT OF PARTICULARS, MAINTAINED BY
THE MINISTRY OF CORPORATE AFFAIRS IN RESPECT OF
NANO EXCEL ENTERPRISES PVT. LTD.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.ATO JUDGE.

Msd.

B.KEMAL PASHA, J.

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Crl.M.C.Nos.7608, 7611 & 7654 of 2015

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Dated this the 15th day of December, 2015

ORDER

Heard the learned counsel for the petitioner and the learned Public Prosecutor in all these matters.

2. According to the petitioner, he was not a director of the company or promoter of the company; whereas he was only a shareholder in the Nano Power Corporation. According to him, he has no connection with the other company.

3. The learned Public Prosecutor has pointed out that the petitioner is also a link in the transaction of the two companies and therefore, it cannot be said that he has not promoted the business of the company. It is also pointed out that it is a money chain and therefore, even a participation in the intermediary stage will also invite the offence under Section 5 of the Prize

Chits and Money Circulation Scheme (Banning) Act. These matters are matters to be dealt with by the court below. The petitioner can approach the court below under Section 239 Cr.P.C. In case the prosecution is not able to prove that the petitioner is not a director, or a person, who has promoted the business of the company or he was an intermediary, who has also promoted the business of the company, the offence against the petitioner will not lie. The court below shall consider all the said aspects and pass orders on such application that may be filed by the petitioner before the court below.

With the said liberty to the petitioner, these Crl.M.Cs are closed.

Sd/-

**B.KEMAL PASHA
JUDGE**

DSV/15/12/15

// True Copy //

P.A. To Judge