

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 5209 of 2011

Arising out of P.S. Case No. -354(C) Year- 2007 Thana –
Complaint Case District- PATNA

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Binay Kishore Prasad Son of Late Jugal Kishore Prasad Resident of
Mohalla - Kalibari, P.S. - Gaya - District - Gaya.

.... Petitioner/s

Versus

1. The Union of India through the Registrar of Companies, Bihar,
Office at Marya Lok Complex, 4th Floor, A - Block, Dak Banglow
Road, Patna -1.
2. Registrar of Companies, Bihar Office at Marya Lok Complex, 4th
Floor, A-Block, Dak Banglow Road, Patna-1.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s: Mr. APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 25-04-2016

The Petitioner seeks quashing of the order of
cognizance dated 06.07.2007 passed by the Special Court of
Economic Offences, Patna in Complaint Case No. 354(C) of
2007.

The case of the Complainant is that the Petitioner
had not provided the balance-sheet of the company and was
required to be put on trial under Section 220(3) of the
Companies Act.

It has been submitted that the prosecution is barred
under Section 416 Cr.P.C. and the punishment is only fine
and the belated Complaint is not fit to proceed.

Having considered the aforesaid, the entire

proceeding as against all the accused persons including the order of cognizance dated 06.07.2007 passed by the Special Court of Economic Offences, Patna in Complaint Case No. 354(C) of 2007 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

Vikash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	