

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI. O.P. No.21863 of 2016
and
CrI.M.P. Nos.10140 & 10141 of 2016

Bernard Robert Hereford Petitioner/ Accused -4

VS.

The Deputy Registrar of Companies
Tamil Nadu, Chennai
having office at II Floor
Shastri Bhavan
26, Haddows Road
Nungambakkam
Chennai 600 006

Respondent/ Complainant

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records in E.O.C.C. No.205 of 2013 on the file of the Additional Chief Metropolitan Magistrate (Economic Offences - I), Egmore, Chennai and quash the same as far as the petitioner is concerned.

For petitioner Mr. M. Mohammed Rafi

For respondent Mr. B. Ramesh
Company Prosecutor

ORDER

The Deputy Registrar of Companies launched a prosecution under Section 211(1) of the Companies Act in E.O.C.C. No.205 of 2013 before the Additional Chief Metropolitan Magistrate, (Economic Offences-I) Egmore, Chennai against six persons, challenging which, Bernard Robert Hereford (A4) is before this Court.

3. The crux of the allegation in the complaint is as follows:-

"3. That the company was inspected under Section 209-A of the Act by an officer empowered by the Central Government in this behalf. During the

course of the inspection, the Inspecting officer had noticed from the Annexure to the Accountants Report "that they have not seen the confirmation of balance from sundry debtors and sundry creditors in the Balance Sheet as at 31.03.2010. Hence, the Balance Sheet of the said years does not give a true and fair view of the state of affairs of the company and thereby the provisions of Section 211(1) of the Act have been contravened. (emphasis supplied)

4. Admittedly, in this case, the petitioner (A4) became a Director of the Church of South India Trust Association only on 26.04.2010 and he had resigned from the Directorship on 11.02.2014 and he was not a Director as on 31.03.2010.

In view of the above, this Criminal Original Petition is allowed and the prosecution in E.O.C.C. No.205 of 2013 on the file of the Additional Chief Metropolitan Magistrate (Economic Offences-I), Egmore, Chennai is quashed as against the petitioner/A4 alone. Consequently, connected Crl. M.Ps. are closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Deputy Registrar of Companies
Tamil Nadu, Chennai
II Floor, Shastri Bhavan
26, Haddows Road, Nungambakkam, Chennai 600 006
2. The Additional Chief Metropolitan Magistrate (E.O.I)
Egmore, Chennai
- 3 The Public Prosecutor
High Court of Madras
Chennai - 600 104

Crl.O.P. No.21863 of 2016

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