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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 26/2016

ARIHANT COTSYN LTD

THROUGH THE OFFICIAL LIQUIDATOR

..... Petitioner

Through: Mr. Yajur Bhalla, Mr. Devendra
Kumar, Advocate

versus

CBI AND ORS

..... Respondent

Through: Ms. Sonia Mathur, Mr. Sushil Dubey
and Mr. Rakshit, Advocates for CBI
Ms. Manjeet Arya, Additional Public
Prosecutor for the State with
Inspector Vijay Pal Dahiya, Police
Station R.K. Puram, Delhi.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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04.02.2016

By this petition filed under Section 401 of Cr. P.C., the petitioner seeks to challenge the order dated 27.11.2015 passed by Special Judge IV (PC Act) CBI, Delhi, whereby the Official Liquidator was directed to appear before the Court on 15th December 2015. On 15th December 2015, the adjournment was sought due to pendency of the present petition.

The case of the petitioner is that the Official Liquidator is appointed by the Court to look into the matter of after winding up of the company and he is not criminal liable in the capacity of the Official Liquidator in any criminal proceedings.

Special Public Prosecutor for the CBI has submitted that the Official Liquidator is not being prosecuted and the charge is not sought to be framed against the Official Liquidator, but the OL has been directed to appear for the limited purpose that somebody representing company should be available to read out the charges against the company as under the Companies Act, the company is liable for the punishment of the imposition of fine and for the same purpose the representative of the company is necessary, as the allegations levelled in the proceedings are against the company before winding up.

In the aforesaid circumstances, it is agreed between both the parties and in the considered opinion of this Court, the purpose would be served if some representative on behalf of the company is deputed by the Official Liquidator for the purpose conveying the charges levelled against the company.

It is apprised to this Court that the next date fixed before the Court is day after tomorrow, i.e., 6th February 2016. Accordingly, the order passed by the learned Special Judge is modified to the extent that some representative on behalf of the company be appointed by the Official Liquidator to appear before the Court.

With aforesaid observations, the present petition stands disposed of.

A copy of this order be given dasti under signatures of court master to counsel for the petitioner.

P.S.TEJI, J

FEBRUARY 04, 2016
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