

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33512 of 2013

Arising Out of PS.Case No. -95 Year- 1999 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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1. M/S Ap Finleasing India Limited, Represented Through Its Principal Officer Namely, Ajay Prakash Having Its Registered Office At 55, B, 1st Floor, Mourya Lok Compex, P.S.- Kotwali, District- Patna

2. Smt. Ranju Prakash W/O Sri Vijay Prakash Director Of M/S Ap Finleasing India Limited, 55 B, 1st Floor, Mourya Lok Complex, P.S.- Kotwali, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar

2. Union Of India Through The Registrar Of Companies Bihar Having His Office At Mourya Lok, 4th Floor, " A" Wing Dak Banglow Road, Patna-800001

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Subhash Chandra Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 11-01-2017 This application has been filed on behalf of the petitioners for quashing order dated 14.08.2012 passed in Economic Offences No.95 (C) of 1999, District- Patna dated 05.04.1999 punishable under Section 162 of the Companies Act, 1956, pending before the Special Court, Economic Offences, Patna.

The prosecution story in short is that the Registrar of Companies, Bihar filed a complaint petition against the petitioners and others on 05.04.1999 that M/S A.P.Finleasing India Limited was registered on 24.08.1992 as a Public Limited Company under the Companies Act, 1956 and according to provisions of Section 220 of the Companies Act, 1956, three



copies of balance sheets and a profit and loss accounts, as placed in the Annual General Meeting should be filed within thirty days of the date of Annual General Meeting, as such the balance sheet and profit and loss account should be placed not later than 30.10.1998. Further, it appears that no annual general meeting was held on or before 30.9.1998 as such the company did not file balance sheet and profit and loss accounts till 31.3.1999 in spite of the show cause notice.

On the basis of above complaint, Economic Offences No.95 (C) of 1999 was filed before the Special Judge of Economic Offences, Patna.

It is submitted on behalf of the petitioners that from perusal of Section 162 of the Companies Act, 1956, it appears that there is provision of penalty but there is no provision of filing a complaint. It has further been submitted that now a general meeting has been held and they have submitted balance-sheet of profit and loss and all other necessary papers and he is ready to pay the penalty.

Heard Mr. Manoj Kumar Singh, learned counsel for the Central Government.

It has been submitted by the learned counsel for the



Central Government that the application may be remitted back to the court below, who will examine all the aspects of the matter as well as the balance-sheet and other papers and thereafter will pass appropriate order.

Having heard both sides. In view of the submission, as advanced by the learned counsels and the materials available on the record and as there is clear averment that now balance-sheet of profit and loss has been filed and the petitioner is ready to deposit penalty, if any, I am in the opinion that the petitioners should approach the learned court below with the aforesaid papers and the court below after examining all the papers will pass appropriate order in accordance with law preferably on the same day.

However, before passing any order, he will hear the learned counsel for the accused persons also.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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