

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPCR No. 20 of 2017**

Roman Lal Sahu, S/o. Hari Ram Sahu, Aged About 39 Years, R/o. Akash Ganga Colony, Dhamtari, Tahsil & District Dhamtari, (Chhattisgarh)

**---- Petitioner**

**Versus**

1. Union Of India, Through: The Registrar of Companies, Ahmadabad (Gujrat).
2. State Of Chhattisgarh, Through: The Collector, Dhamtari, (Chhattisgarh)
3. Commissioner, Municipal Corporation, Raipur, District Raipur, (Chhattisgarh)
4. Superintendent Of Police, Dhamtari, District Dhamtari, (Chhattisgarh)
5. Station House Officer, Police Station- Dhamtari, District Dhamtari, (Chhattisgarh)
6. Director Of Sunshine Hi-Tech Infracon Limited, (Incorporated under the Companies Act 1956) Office at 403, Unique Tower, Poosite Hotel Surya, Sayajigunj, Vadodara 390005 (Gujrat)

**---- Respondents**

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|----------------------|---|--------------------------------------|
| For Petitioner       | : | Mrs. Hamida Siddiqui, Advocate       |
| For Respondent No.1  | : | Mr. R.K.Kesharwani, Advocate         |
| For Respondent/State | : | Mr. Anupam Dubey, Dy. Govt. Advocate |
| For Respondent No.3  | : | Mr. Kashif Shakeel, Advocate         |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**16.01.2017**

1. This is a petition claiming that the case be registered against the Company wherein the petitioner was working as an Agent.
2. Learned counsel for the petitioner submits that the Company which took the money from different persons with a promise to return the same with a high value but subsequently it was not returned. Consequently, an offence is committed by the Company and the petitioner is only an Agent of the Company and he has not

committed any wrong, therefore, the case be registered against the Company.

3. Prima facie, perusal of the documents would show that the Company namely Sunshine Hi-Tech Infracon Limited collected different amount from the people with an assurance to return the same with high interest within a short period of time and the debentures and bonds were issued. Subsequently, the same was not done. Taking into totality, at this stage, this Court cannot carve out a defence for the petitioner and the role played by him can only be investigated during the course of investigation and trial. At this stage, only on the submission of the petitioner, the petitioner cannot be stated that he has not played any role in commission of offence and can be insulated. Consequently, I am not inclined to entertain this petition as devoid of any merit.

4. Accordingly, the petition is dismissed at the admission stage itself.

Ashok

Sd/-  
**(Goutam Bhaduri)**  
Judge