

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

COMPANY APPLICATION No. 61 OF 2019

O R D E R:

This Application was taken out under Section 457(1)(e) of the Companies Act, 1956 read with Rule 9 of the Companies (Court) Rules, 1959 seeking a direction to Respondents 1 and 2 to release the movable items 1 to 43 deposited in CPR No. 617 of 2001 to the Official Liquidator as per the order dated 02.02.2011 in C.C. No. 219 of 2006 on the file of the 1st respondent.

Pursuant to the order dated 19.10.2000 in R.C.C. No. 7 of 2000, winding up M/s Arrow Metal Spin Limited, company in liquidation, the Official Liquidator had taken possession of its registered office at West Marredpally, Secunderabad and factory premises at Chandapur Village, Hathnoor Mandal, Medak District on 29.11.2000. Thereafter, with due permission of this Court, some of the properties of the company were sold. While so, some other movable properties were stolen during March 2001 for which a complaint was lodged with the 2nd respondent on 29.03.2001 and FIR No. 23 of 2001 was registered for the offences punishable under Sections 457 and 380 of the IPC and the same was taken up as C.C.No. 219 of 2006 by the 1st respondent Court. Subsequently, the police had apprehended the miscreants and recovered the stolen property. However, while acquitting the accused for the failure of the prosecution to prove the guilt, the Court directed the unmarked property i.e. items 1 to 43 deposited in CPR No. 617 of 2001 be returned to the then Official Liquidator after expiry of the Appeal time, vide order dated 02.02.2011. Hence, the letter dated 05.03.2014 was addressed to the 1st respondent requesting necessary directions to be issued to the office to hand over the

assets and CFR No. 1147 of 2014 was also moved on 16.04.2014, but however, the same was returned raising some remarks. Thereafter, the efforts made to receive the property from the Station House Officer as well as the Judicial Magistrate of I Class Court, Andole, Narsapur turned futile. Hence, this Application.

Heard Sri M. Anil Kumar, learned counsel for the Official Liquidator.

As can be seen from the order dated 27.02.2009 in CrI.M.P. No. 78 of 2009 in S.C. No. 520 of 2001 and S.C. No. 187 of 2004, the learned Assistant Sessions Judge at Medak had already passed the order directing the Inspector of Police, Ramachandrapuram to return the property shown in the list, except two items, to the Official Liquidator by name Sri M.R. Bhat, High Court of Andhra Pradesh, Hyderabad under proper identification and also under intimation to the said Court.

Now, it is submitted that the said M.R. Bhat is no longer the Official Liquidator, hence, liberty is given to the Official Liquidator to engage services of a counsel and seek modification of the order dated 27.02.2009 in CrI.M.P. No. 78 of 2009 in S.C.No. 520 of 2001 and S.C.No. 187 of 2004 on the file of the Assistant Sessions Judge's Court at Medak.

The Company Application is ordered accordingly.

CHALLA KODANDA RAM, J

