

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**COMPANY APPLICATION No. 672 OF 2003**

**ORDER :**

This Company Application is filed by the Official Liquidator to summon the accused and punish them under Section 454 (5) & (5A) of the Companies Act, 1956 for non-compliance of the requirements of Section 454(1)(2) and (3).

M/s Nagarjuna Marketing & Exports Limited was directed to be wound up *vide* order dated 31.01.2003 in Company Petition No. 93 of 2002, consequent thereupon, notices were issued to the ex-directors of the company i.e. accused herein on 20.03.2003 requiring them to submit the statement of accounts of the company, but they were returned un-served with postal endorsement 'party left' and 'No such person'. The Official Liquidator therefore, addressed the Commissioner of Police, Hyderabad to trace out the whereabouts of the ex-directors of the company, on 08.05.2003, however, no reply was received so far. Hence, this Application.

Initially, this Court issued summons to the respondents. Since they were not served, bailable warrants were issued vide order dated 09.03.2005, pursuant to which, warrant was executed against Accused No.1, who subsequently, was released on bail. Thereafter, Accused 2 and 3 were also present. But, for some reason or the other, warrants were again issued against Accused No.1 and 3, hence, the case against them was split up.

Now, Sri M. Anil Kumar, learned counsel for the Official Liquidator submits that Accused No.2 also could not be traced, hence, the Company Application may be closed with liberty to the

Official Liquidator to file fresh Company Application, if and when any information regarding the whereabouts of the said accused comes to his knowledge.

In view of the submission made by the learned counsel for the Official Liquidator, this Court has no option but to close the Company Application.

The Company Application is accordingly, closed with liberty to the Official Liquidator in terms of the prayer made.

07<sup>th</sup> August 2019

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**CHALLA KODANDA RAM, J**

