

15.11.2021

Item No.45

Ct.No.34

dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 980 of 2021
(Via Video Conference)

Arun Pareek & Anr.
versus
The Registrar of Companies, West Bengal & Anr.

In Re: An Application under Section 482 read with Section 401 of the Code of Criminal Procedure.

Mr. Manik Lal Poddar ... For the Petitioners.

Mr. Phiroze Edulji,
Mr. Anirban Mitra ... For the Opposite Party No.1.

Learned advocate for the petitioners is aggrieved by the order dated 25.02.2021 passed by the learned Judge, 2nd Special Court, Kolkata in Complaint Case No. 12 of 2020. The learned Special Court was pleased to reject the application under Section 205 of the Code of Criminal Procedure so preferred by one Arun Pareek and one Panna Lal Maloo. Although the prayer of one Sanjay Maloo was allowed.

I have heard the submissions advanced by the petitioners as well as the opposite party no.1 being the Registrar of Companies, West Bengal. I have also considered the reasons assigned by the learned Special Court.

Having regard to the submissions made by the learned advocates appearing for both the parties, I direct that the petitioners being Arun Pareek and Panna Lal Maloo would appear before the learned Special Court by 23.12.2021 after intimating the Registrar of Companies, West Bengal. On such appearance, the learned Magistrate will take into account whether their further appearance in day to day proceedings is

required or not. Be it mentioned that foundation of the case is on documentary evidence and the bonafideness of the petitioners are to be shown before a court of law so that they appear as and when called for.

The petitioners would file their application under Section 205 of the Code of Criminal Procedure. The learned Special Court would assess whether all the requirements under the said provision are satisfied for dispensing with their personal appearance and thereafter dispose of the application under Section 205 of the Code of Criminal Procedure in accordance with law.

The application under Section 205 of the Code of Criminal Procedure should express both the parts regarding the difficulty in appearing before the regular court of law and the undertaking regarding all steps being taken by the representing counsel would be accepted by the petitioners in future before the trial court as well as the higher forum so concerned. No further order need be passed as the prayers were restricted to exemption of personal appearance of the petitioners before the court.

With the aforesaid observations, the revisional application being CRR 980 of 2021 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)