

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 13 OF 2019**

SECURITIES AND EXCHANGE BOARD
OF INDIA

....Applicant.

V/s

MS. KUSUM DEEPAK RATHOD & ANR.

.....Respondents

Mr. Omprakash Jha i/b the Law Point for the Applicant.

Mr. Ajay Patil, APP for the Respondent/State.

CORAM: NITIN W. SAMBRE, J.

DATE: DECEMBER 23, 2021

P.C.:-

1] By inviting attention of this court to the provisions of Section 27 of the General Clauses Act, Counsel for the Applicant would urge that attempt on the part of the Applicant of serving notice on defaulter/Respondent was in accordance with law and as such presumption should have been drawn by the court below in favour of the Applicant. He would claim that the address mentioned in the PAN Card is not taken into account.

2] In that view of the matter, leave granted.

3] Admit.

4] Call for record and proceedings.

5] Action under Section 390 of Cr.P.C. be initiated.

6] Private paper-book be filed within six months from today.