

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.549 of 2022

SVF Entertainment Pvt. Ltd. ***Petitioner***

Mr. Milan Kanungo, Senior Advocate

-versus-

Republic of India (CBI) ***Opposite Party***

Mr. Sarthak Nayak, Advocate for Republic of India (CBI)

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

09.05.2022

Order No.

02.

1. Heard Mr. Milan Kanungo, learned Senior Advocate for the Petitioner as well as Mr. Sarthak Nayak, learned Advocate for Republic of India (CBI).

2. The facts as submitted by the parties are that, SVF Entertainment Pvt. Ltd., a company incorporated under the Companies Act, is an accused in T.R. Case No.4/2017 before the learned Special Judge, (CBI-I), Bhubaneswar. The then Director of the Company-Shrikant Mohta is also an accused in his personal capacity. In the meantime by operation of Section 167(1)(b) of the Companies Act, said Shrikant Mohta has been removed from the Directorship of the accused-Company. So for representing the Company in the trial, the Board of Directors appointed another authorised person, who filed his vakalatnama before the learned trial court. But the trial court did not accept his representation for the Company and directed the Company to appear through its Director.

This is the subject matter of challenge in the present petition.

3. Upon hearing both the parties and keeping in view the provisions contained in Section 305 of the Cr.P.C. as well as the principles relating to offences by Companies, the vakalatnama filed through the authorised signatory-Rahul Mohta is accepted to represent the Company in the trial.

4. Accordingly, the impugned order dated 21.12.2021 passed by the learned Special Judge (CBI-I), Bhubaneswar in T.R. Case No.4/2017 arising out of S.P.E. Case No.34/2014 regarding rejection of the vakalatnama filed by the accused-Company, i.e., SVF Entertainment Pvt. Ltd. is set aside and the accused-Company is permitted to be represented through its authorised signatory-Rahul Mohta.

5. The CRLMC is allowed.

6. An urgent certified copy of this order be granted on proper application.

(B.P. Routray)
Judge