



Crl.RC.No.898 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED:26.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.898 of 2025
and Crl.M.P.Nos.12316 & 12318 of 2025

K.B.Sashidharan

...Petitioner

Vs.

1. Enforcement Officer,
Directorate of Enforcement,
Government of India,
Shastri Bhavan,
Chennai – 600 006.

2. Bhagwan Premchandani
3. Mohan Gupta

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w. 401 Cr.P.C. to call for the records pertaining to the order dated 28.04.2025 passed in M.P.No.527 of 2020 in EO.C.C.No.75 of 2008 (case split up EOCC No.407/2008) on the file of the Additional Chief Metropolitan Magistrate, (E.O.I.), Egmore, Chennai – 600 008 and to set aside the same.

For Petitioner : Mr.R.Loganathan

For Respondent : Mr.Rajanishpathiyal

Special Public Prosecutor for R1



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ORDER

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This Criminal Revision has been filed as against the order dated 28.04.2025 passed in M.P.No.527 of 2020 in EO.C.C.No.75 of 2008 (case split up EOCC No.407/2008) on the file of the Additional Chief Metropolitan Magistrate, (E.O.I.), Egmore, Chennai – 600 008, thereby allowing the application filed by the first respondent to implead the Company as an accused.

2. The first respondent filed a complaint in C.C.No.407/2002 as against four accused persons including the Company M/s. Pappilon Exports Limited, which is managed by A2 to A4. Thereafter, it was split up in EO.C.C.No.75/2008 as against the accused 2 to 4. However, the Company has not been added as an accused in the split up case. Therefore, the first respondent has filed an application to implead the said Company also as an accused in the split up EO.C.C.No.75/2008 and the same was allowed by the trial Judge. Aggrieved by the same the present revision has been filed.

3. The learned counsel for the petitioner / A3 submitted that in pursuant to the scheme decree, all civil and criminal cases instituted as

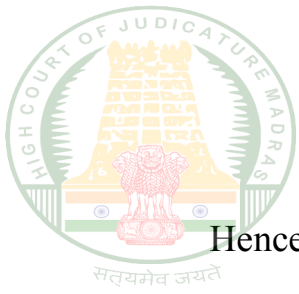


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against the Company stands abated in all aspects. The Directors were ordered to be removed except the sponsor and new Board of Directors were appointed. Therefore, the Company cannot be added as an accused. That apart, without the presence of the Official Liquidator or the sponsor, the Company cannot be impleaded as an accused.

4. On perusal of the records it is revealed that a Company Petition.No.261/2007 for winding up of the Company by the petitioner herein has been filed before this Court and in the said petition, a scheme decree has been passed. Accordingly, the petitioner is the sponsor and several arrangements have been made to run the company. Further, winding up of the Company has been stayed permanently. That apart, the application filed by A4 was also dismissed by this Court. The first accused company could appoint any representative for the purpose of enquiry or trial as permitted under Section 305 Cr.P.C.

5. The declaration of A2 as a proclaimed offender is not a ground to object the impleadment of the Company as the first accused. Further, the company is represented by the other three Directors namely A2 to A4.



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Hence, the Company and its Directors are liable to be punished for the violation of provision of Foreign Exchange and Regulation Act. Therefore the trial Court has rightly allowed the petition and this Court finds no infirmity or illegality in the order passed.

6. Accordingly, this Criminal Revision Case is dismissed. Connected miscellaneous petitions are closed.

26.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

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1. The Additional Chief Metropolitan Magistrate, (E.O.I.), Egmore,
Chennai – 600 008
2. The Enforcement Officer,
Directorate of Enforcement,
Government of India,
Shastri Bhavan,
Chennai – 600 006.
3. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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