

In the Court of the Judge, 2nd Special Court, Calcutta
Complaint Case No.09/2021 (Computer Registration No.09/2021)
CNR No. WBCS01-000126-2021
Present :- Ananta Kumar Singha Mahapatra (J.O Code-WB00902).

Order No.17
13.10.2023

Today is fixed for appearance of the accused persons and hearing of the applications filed by the accused persons on 26.09.2023.

The learned advocate for the accused persons are present.

The learned company prosecutor is also present.

The learned advocate for accused nos.1 to 3 filed an application praying for pleading guilt through their learned advocate.

Heard both sides. Perused the said application and the case record. Considered.

By filing the said application, the learned advocate for accused nos.1 to 3 have prayed for pleading guilt through their learned advocate. The violation of the provisions of Section 158 of the Companies Act, 2013 has been alleged against accused nos.1 to 3. Section 158 of the Companies Act, 2013 provides that, "Every person or company, while furnishing any return, information or particulars as are required to be furnished under this Act, shall mention the Director Identification Number in such return, information or particulars in case such return, information or particulars relate to the director or contain any reference of any director." The said violation is punishable under Section 172 of the Companies Act, 2013. The Section 172 of the Companies Act, 2013 provides that, " If a company contravenes any of the provisions of this Chapter and for which no specific punishment is provided therein, the company and every officer of the company who is in default shall be punishable with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees."

The substance of the acquisition under Section 158 read with Section 172 of the Companies Act, 2013, is read over and explained to the learned advocate for the accused nos.1 to 3, to which he accepted the guilt of the accused nos.1 to 3.

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Accordingly, **the plea of guilt on behalf of accused nos.1 to 3, namely, M/s. Decal India Screen Printing Private Limited, Go Ojima and Kenji Matsumoto, respectively is accepted and they are convicted under Section 235 (2) of the Cr.P.C..**

Heard both sides on the point of sentence. The alleged violation is not serious in nature. Moreover, the accused persons have voluntarily pleaded their guilt. Hence, I am inclined to take a lenient view. Accordingly, the accused **M/s. Decal India Screen Printing Private Limited, Go Ojima and Kenji Matsumoto are sentenced to pay a fine of fifty thousand rupees each.** The learned advocate for the accused persons submitted that he will pay the fine on behalf of the accused persons.

Now, heard both sides in respect of the application under Section 205 of the Cr.P.C. dated 26.09.2023. Perused the said application and the case record. Considered.

By filing the said application the accused no.4 has prayed for permission of the Court to be represented by his learned advocate S M Noman Rushdi. It is contended by his learned advocate that on account of his job, the accused no.4 is staying at Mumbai and it will be difficult for him to appear before this court at regular interval.

The learned company prosecutor has raised strong objection.

The offence alleged against the accused no.4 is punishable under Section 447 of the Companies Act, 2013. Having regard to the gravity of the alleged offence, I am not inclined to offer the benefit of exemption from appearance to the accused. It is needless to mention here that during trial, the accused person may file an application under Section 317 of the CrPC, to dispense with his appearance during trial on those dates when he will find it difficult to attend the court.

Hence, it is,

O R D E R E D

that the four applications under Section 205 of the Cr.P.C. dated 26.09.2023 filed by the accused person no.4 is considered and **rejected.**

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The applications filed on 16.09.2023 on behalf of accused no.1 company under Section 305 of the CrPC and on behalf of accused nos.2 and 3 under Section 205 of the CrPC are rejected being redundant.

To 08.12.2023 for charge hearing. The accused no.4 must remain present.

Dictated and corrected by me

**Judge, 2nd Special Court,
Calcutta
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