

S C C No. 41908/2016

Exh No.

BEFORE THE HON'BLE JUDICIAL MAGISTRATE, FIRST CLASS (A.C.)
COURT, PUNE.

- 1) Date of commencement of offence : 09/11/2016
2) Date of report/complaint : 08/12/2016
3) Name of complainant : ROC (PUNE)
4) Name of accused :
1] M/s. Nyati Builders Private Ltd.
2] Nitin Dwarkadas Nyati

5) offence complained Under section 148(8) of the Companies Act.

6) Particulars of offence:

That you accused Nos. 2 being active officer/director looking day to day activities of accused NO.1 company failed and neglected to maintain account audited and failed to file the Cost Audit report with the Central Government through the Cost auditor of the Company and thereby committed an offence punishable **Under Section 148(8)** of The Companies Act,1956 and within my cognizance.

7) Plea of accused :

Q1 : Have you received copies of complaint ?

Ans : Yes.

Q2 : Have you understood the offences levelled against you now read over and explained to you in vernacular.

Ans : Yes

Q3 : Do you know that if you plead guilty then you will convicted and sentenced?

Ans : Yes

Q4 : Do you want to plead guilty.

Ans : Yes. we plead guilty.

Signature of accused /Authorized person

Pune

Date:11/02/2017

(V.B.Gulve Patil)

J.M.F.C. (Anti corruption), Pune.

ORDER

1) Mr. Indraprakash Arya Advocate on behalf of accused Nos.1 and 2 is present before the Court today. He has filed his vakalatnama on behalf of accused Nos. 1 and 2 and thereby he has been authorized to do the needful in this matter. So also he has filed on record the application on behalf of accused Nos. 1 and 2 to appear before the court on their behalf and plead guilty. He tendered an application to plead guilty for all accused .

2) I explained the particulars of the offence to accused. I verified that the accused are accepting the guilt out of their own accord and free will. Considering their accord and voluntariness , I hereby accept the plea of the accused on the ground that no one will accept guilt against his own interest. Hence, I proceed to pass the following order:

ORDER

1) Accused Nos. 1 and 2 are hereby convicted vide section 252 of Criminal Procedure Code for the offence **under section 148(8) of the Companies Act** and are sentenced to pay **fine of Rs. 40,000/- (Rs. Forty Thousand only)** and in default of payment of fine, to **suffer simple imprisonment for fifteen (15) days.**

Matter is disposed off fully.

Pune

Date: 11/02/2017

(V. B. Gulve Patil)

J.M.F.C. (Anti corruption), Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file judgment are same word to word as per original judgment.

Name of Steno	:	P.P.khair
Name of Court	:	V. B. Gulve Patil
Designation	:	JMFC (AC) Court, Pune
Judgment Uploaded on	:	13/02/2017