

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

- 1) Date of commencement of offence : 24/11/2016
2) Date of report/complaint : 08/12/2016
3) Name of complainant : ROC (PUNE)

4) Name of accused :

- 1] Zamil Steel Buildings India Pvt. Ltd.
2] Alakesh Roy
3] Ravindra Kendarnath Zanvar

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

6) Particulars of offence:

That you accused Nos. 2 and 3 being the directors and responsible persons of accused No.1 Company did not maintain cost accounting records and get the same audited and to file the cost audit report with the Central Government through the Cost Auditor of the company, but you made default for the same and failed to get the Cost Audit Report filed with the Central Government within stipulated time limit and thereby committed an offence punishable U/s. 148(8) of the companies Act 1956 .

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. I want to plead guilty.

1)

2)

3)

Signature of accused /Authorized person

Pune

Date: 23.11.2018

(S.M.A.Sayyed)

J.M.F.C. (A.C.) Court, Pune.

ORDER

1) The accused No.1 through their authorized representative Mr. Deepak Pandurang Kadam, accused No. 2 in person and 3 through his Power of Attorney holder Mr. Deepak Kadam have submitted their application and intimated their willingness to plead guilty.

Accordingly, accused No.2 in person, No. 3 through his power of attorney holder and behalf of accused No.1 through their authorized representative have pleaded guilty in toto.

2) Learned prosecutor on behalf of the ROC is present. He has submitted that plea of the authorized person can be accepted in terms of section 305 of the Code of Criminal Procedure.

3) It appears that accused have voluntarily submitted their willingness to plead guilty as per aforesaid documents. It seems to be their first offence. The prosecutor on behalf of the ROC is present. He has submitted oral submission as well. Therefore, their voluntary plea is being accepted and lenient view is being shown.

ORDER

1) Accused No. 1 Zamil Steel Buildings India Pvt. Ltd. i.e. the company through their representative Deepak Pandurang Kadam is convicted vide sections 252, 305 of the Code of Criminal Procedure for the offence **under section 148(8) punishable under section 147(1) of the Companies Act** and is sentenced to pay **fine of Rs.25,000/- (Rs. Twenty Five thousand only)** and in default of payment of fine, to **suffer simple imprisonment for three (3) days each.**

2) Accused Nos. 2 in person and 3 through his authorized person i.e. power of attorney holder Deepak Pandurang Kadam are hereby convicted vide sections 252, 305 of the Code of Criminal Procedure for the offence **under section 148(8) punishable under section 147(1) of the Companies Act** and are sentenced to pay **fine of Rs.10,000/- (Rs. Ten thousand only) each** and in default of payment of fine, to **suffer simple imprisonment for three (3) days each.**

3) Half of the fine amount be paid to the complainant towards the costs vide section 446 of the Companies Act 2013 and 357 of the Code of Criminal Procedure.

The case stands disposed of accordingly.

Pune
Date:23.11.2018

(S.M.A.Sayyed)
J.M.F.C. (A.C.) Court, Pune.

प्रमाणपत्र

मी अशी खात्री देतो की, सदर पी. डी. एफ. फाईलमधील मजकूर मुळ न्यायनिर्णयाप्रमाणे प्रत्येक शब्द बरोबर आहेत.

लघुलेखकाचे नाव — प्रमोद परशुराम खैर

न्यायालयाचे नाव — श.म.अ.सय्यद
प्रथमवर्ग न्यायदंडाधिकारी (लाचलुचपत प्रतिबंधक),
पुणे

न्यायनिर्णय अपलोड
केल्याची तारीख — २३/११/२०१८