

S C C No. 41906/2016

Exh No.

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

- 1) Date of commencement of offence : 16/11/2016
2) Date of report/complaint : 08/12/2016
3) Name of complainant : ROC (PUNE)
4) Name of accused :

- 1] Rohan Builders (India) Pvt. Ltd.
2] Suhas Khushalchand Lunkad
3] Rupali Prakashlal Bhalgat

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(6)(8) r/w. 147(1) 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.

Signature of accused /Authorized person

Pune

Date: 09.08.2017

(V. B. Gulve Patil)

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

ORDER

- 1) The accused have submitted their application Exh. 5 and purshis Exh.6 and intimated their willingness to plead guilty through their representative Rupali A. Firodia. Accordingly, Power of Attorney Exh. 3/1 has been executed in favour of Rupali A. Firodiya and Mr. Yogesh D. Malpani. They have submitted separate letters and affidavit sworn before Notary. They have submitted Resolution passed by the Board of Directors alongwith list Exh.3/3.
- 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 Rohan Builders (India) Pvt. Ltd. i.e. the company through their representative Miss. Rupali A. Firodia is convicted vide sections 252, 305 of the Code of Criminal Procedure for the offence **under section 148(8)punishasble 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 and 3 through their representative Miss. Rupali A. Firodia are hereby convicted vide sections 252, 305 of the Code of Criminal Procedure for the offence **under section 148(8)punishasble 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:09.08.2017

(V. B. Gulve Patil)
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 — व्ही. बी. गुळवे पाटील
प्रथमवर्ग न्यायदंडाधिकारी (लाचलुचपत प्रतिबंधक),
पुणे

न्यायनिर्णय अपलोड
केल्याची तारीख — ०९/०८/२०१७