C – 3725 of 2025

Order dated - 09.04.2026

The record is put up in the strength of a put up petition filed by the accused.

Ld. Counsel for the accused No. 1, 3 and 4 files three applications for representing the above named accused person u/s. 205 Cr.P.C. and has prayed for allowing the petitions so filed u/s. 205 Cr.P.C. on the grounds stated therein.

Ld. Advocate for the accused No. 2 namely Rishi Ram Baghmar, by filing a petition, submits that the said accused has expired on 13.11.2023. Death certificate to that effect has been filed. Let the case be **filed for ever** against accused namely Rishi Ram Baghmar.

Heard the Ld. Advocate for the accused and also heard the Ld. Company Prosecutor.

Ld. Advocate on behalf of the accused namely (1)Savita Madharia, (3) Prakash Das Manikpuri, (4) Rahul Das Manikpuri appears by filing vakalatnama.

Perused the record and the petition.

Having regard to the ratio of **M/s. Bhaskar Industries Limited V/.s Bhiwani Denim & Apparels Limited decided by the Hon'ble Apex court in (2001) 7 SCC 401** and **Puneet Dalmia V/s. CBI decided by the Hon'ble Apex Court in (2020) 12 SCC 695** and the grounds so made out by the petitioner in the petition so filed u/s. 205 Cr.P.C., I am inclined to allow the petitions so filed u/s. 205 Cr.P.C.

Hence, it is

O R D E R E D

that the accused No. 1, 3 and 4 are hereby exempted from their personal attendance before this Court subject to the following conditions :-

- That the accused shall not challenge their identity in this Court, during trial or during any other stage.
- That the accused shall be duly represented by their Ld. Advocate namely **Mr. Timir Baran Roy** on every date fixed in Court.
- That the accused shall make themselves available in Court whenever it is necessary and ordered by this court or any other court in connection with this case.
- That the accused shall not hamper the proceedings of this case in any manner whatsoever.

Thus, the petitions u/s. 205 Criminal Procedure Code 1973 filed by the accused persons are allowed.

The said accused are hereby allowed to be represented by theirs Ld. Advocate namely **Mr. Timir Baran Roy** on record u/s. 205, Criminal Procedure Code 1973 subject to the conditions mentioned here in before.

Ld. Advocate for the accused files an application for plead guilty.

Now the record is taken up for examination of the accused u/s. 251 of the Cr.P.C. Ld. Advocate represented the accused as per 205 Cr.P.C and the substance of the accusation for commission of offence punishable under section 166 of The Companies Act, 2013 and for which you are charged with above mentioned section, to which the Ld. Advocate representing

the accused pleaded guilty by saying *"I plead guilty on behalf of the above noted accused"*.

Ld. Company Prosecutor submits that he has no objection if the accused is allowed to pay a fine of **Rs.1,00,000/-** each for commission of offence punishable u/s 166 of The Companies Act, 2013.

I accept the plea of guilt as it appears that the same is voluntary one and convict the accused for having committed an offence punishable u/s 166 of The Companies Act, 2013.

Hence, it is

O R D E R E D

that accused namely (1)Savita Madharia, (3) Prakash Das Manikpuri, (4) Rahul Das Manikpuri are found guilty of having committed an offence punishable u/s 166 of The Companies Act, 2013 and the accused are convicted as per the provision of Section 252 of the Cr.P.C.

The convict are sentenced to pay a fine of **Rs. 1,00,000/- each** for commission of offence punishable u/s 166 of The Companies Act, 2013 i/d to simple imprisonment for 10 days.

50% of the total fine amount is to be remitted to the ROC.

The instant case is disposed of accordingly.

Note in TR.

Update CIS.

BC-II to comply.

D/c

C.J.M., Alipore