

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE NO: 262, 271 AND 272 OF 2025

CRIMINAL REVISION CASE NO: 262 OF 2025 :

Criminal Revision Case filed under Section 438 and 442 of BNSS to set aside the Judgment dated 28-10-2024 made in Comp.G.No. CrI. M.P. No. 90 of 2022 in SR No.1472 of 2021 on the file of the court of the Special Judge for Economic Offences at Nampally, Hyderabad.

Between :

Registrar of Companies, (For the State of Telangana) II Floor, Corporate Bhawan, Bandlaguda, Nagole, Hyderabad-500 068.

...Petitioner/Complainant

AND

1. Goplakrishna Nair Shankaran (Managing Director), S/o Shankaran Gopalakrishnan Nair, Aged about 77 years, R/o 8-3-224/1 1/C/14-G, H-32, Madhura Nagar, Hyderabad-500890.
2. Ravi Shankar Gopalakrishnan (Director), S/o.Gopalakrishnan Nair Shankaran, Aged about 44 years, R/o. H.No.8-3-224/11/C 14-G. H-31 Madhura Nagar, Hyderabad Telangana.- 500890
3. M/s.Hyderabad Pollution Controls Limited-Proforma Party, Plot No.90/G.I.D.A., Jeedimetla Hyderabad.

...Respondents/Accused

IA NO: 3 OF 2025

Petition under Section 438 and 442 of BNSS praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to set-aside the Order dated 28-10-2024 passed in Comp.G.No. CrI. M.P. No.90 of 2022 in SR No.1472 of 2021 on the file of the Learned Special Judge for Economic Offences Court at Hyderabad.

CRIMINAL REVISION CASE NO: 271 OF 2025 :

Criminal Revision Case filed under Section 438 and 442 of BNSS to set aside the Judgment dated 28-10-2024 made in Comp.G.No. CrI.M.P.No.87 of 2022 in SR No.1398 of 2021 on the file of the court of the Special Judge for Economic Offences at Nampally, Hyderabad.

Between :

Registrar of Companies, (For the State of Telangana) II Floor, Corporate Bhawan, Bandlaguda, Nagole, Hyderabad-500 068.

...Petitioner/Complainant

AND

1. Goplakrishna Nair Shankaran (Managing Director), S/o Shankaran Gopalakrishnan Nair, Aged about 77 years, R/o 8-3-224/1 1/C/14-G, H-32, Madhura Nagar, Hyderabad-500890.
2. Ravi Shankar Gopalakrishnan (Director), S/o.Gopalakrishnan Nair Shankaran, Aged about 44 years, R/o. H.No.8-3-224/11/C 14-G. H-31 Madhura Nagar, Hyderabad Telangana.- 500890
3. M/s.Hyderabad Pollution Controls Limited-Proforma Party, Plot No.90/G.I.D.A., Jeedimetla Hyderabad.

...Respondents/Accused

IA NO: 4 OF 2025

Petition under Section 397 and 401 of Cr.PC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to set-aside the Order dated 28-10-2024 passed in Comp.G.No. CrI. M.P. No. 87 of 2022 in SR No.1398 of 2021 on the file of the Learned Special Judge for Economic Offences Court at Hyderabad. in the interest of justice.

CRIMINAL REVISION CASE NO: 272 OF 2025 :

Criminal Revision Case filed under Section 438 and 442 of BNSS to set aside the Judgment dated 28-10-2024 made in Comp.G.No. CrI.M.P.No.89 of 2022 in SR No.1263 of 2021 on the file of the court of the Special Judge for Economic Offences at Nampally, Hyderabad.

Between :

Registrar of Companies, (For the State of Telangana) II Floor, Corporate Bhawan, Bandlaguda, Nagole, Hyderabad-500 068.

...Petitioner/Complainant

AND

1. Goplakrishna Nair Shankaran (Managing Director), S/o Shankaran Gopalakrishnan Nair, Aged about 77 years, R/o 8-3-224/1 1/C/14-G, H-32, Madhura Nagar, Hyderabad-500890.

2. Ravi Shankar Gopalakrishnan (Director), S/o.Gopalakrishnan Nair Shankaran, Aged about 44 years, R/o. H.No.8-3-224/11/C 14-G. H-31 Madhura Nagar, Hyderabad Telangana.- 500890
3. M/s.Hyderabad Pollution Controls Limited-Proforma Party, Plot No.90/G.I.D.A., Jeedimetla Hyderabad.

...Respondents/Accused

IA NO: 4 OF 2025

Petition under Section 397 and 401 of Cr.PC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to set-aside the Order dated 28-10-2024 passed in Crl. M.P. No. 89 of 2022 in SR No.1263 of 2021 on the file of the Learned Special Judge for Economic Offences Court at Hyderabad, in the interest of justice.

**Counsel for the Petitioners in all CRPs : Mr.Abdul Matin Qureshi, representing
Mr.N.Bhujanga Rao, Deputy Solicitor
General of India.**

Counsel for the Respondents : - - -

The Court made the following : COMMON ORDER

1

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HONOURABLE SRI JUSTICE E.V.VENUGOPAL

CRIMINAL REVISION CASE Nos.262, 271 and 272 of 2025

Dated: 28.11.2025

Between:

Registrar of Companies

... Petitioner

And

Goplakrishna Nair Shankaran and two others

... Respondents

COMMON ORDER

Since, the issue involved in all these Revision Cases is one and the same, they are heard together and disposed of by way of a common order.

2. Criminal Revision Case Nos.262 of 2025 is filed aggrieved by the order dated 28.10.2024 in CrI.M.P.No.90 of 2022 in S.R.No.1472 of 2021 on the file of the learned Special Judge for Economic Offences, at Nampally, Hyderabad (for short,, "the trial Court") by allowing the Criminal Revision Case and pass such other order or orders.

3. Criminal Revision Case No.271 of 2025 is filed aggrieved by the order dated 28.10.2024 in CrI.M.P.No.87 of 2022 in

S.R.No.1398 of 2021 on the file of the trial Court by allowing the Criminal Revision Case and pass such other order or orders.

4. Criminal Revision Case No.272 of 2025 is filed aggrieved by the order dated 28.10.2024 in CrI.M.P.No.89 of 2022 in S.R.No.1263 of 2021 on the file of the trial Court by allowing the Criminal Revision Case and pass such other order or orders.

5. Heard Mr.Abdul Matin Qureshi, learned counsel representing Mr.N.Bhujanga Rao, learned Deputy Solicitor General of India appearing for the petitioner. No appearance on behalf of respondents.

6. This Court is inclined to proceed with the matter on merits of the case as per the decision of the Hon'ble Apex Court in "*Bani Singh and others Vs. State of Uttar Pradesh*¹", wherein it was categorically held that the High Court cannot dismiss any appeal for non-prosecution *simpliciter* without examining the merits. Perused the record.

For the sake of convenience, the facts in CrI.R.C.No.262 of 2025 are discussed as hereunder:-

¹ (1996) 4 Supreme Court Cases 720

7. The brief facts of the case are that the present prosecution is filed by the petitioner/complainant by virtue of the orders passed by the Government of India Ministry of Corporate Affairs (MCA) vide letter F.No.07/1572014/CL-ISER) dated 10.02.2016, to inspect under Section 206(5) of the Companies Act, 2013 into the books of accounts and other records of the Company namely M/s.Hyderabad Pollution Controls Limited (herein after referred as Respondent No.3 Company/Accused) which is a public limited company limited by shares, registered in the *erstwhile* State of Andhra Pradesh (Now State of Telangana) on 21.12.1978, under the Companies Act, 1956. Respondent Nos.1 and 2 are alleged to have committed the offences, while they were working as the Managing Director and Director of respondent No.3-Company.

8. Learned counsel for the petitioner contends that the Ministry's letter vide F.No.07/157/2014/CL-II(SER), dated 10.02.2016 was challenged by the Company. Para Nos.22 and 23 of the common order dated 04.02.2020 in W.P.No.10201 of 2017 and 12296 of 2019 it is held as follows:-

"The decisions MOOLCHAND GUPTA's case (1 supra), ROHTAS INDUSTRIES's case (2 supra) and BARIUM CHEMICALS LIMITED's case (3 supra) relied on by the learned counsel for the petitioners deal with the provisions of law under repealed Act and relates to ordering investigation under Section 237 of the repealed

Act, which is equivalent to Section 210 of the Act 2013, and that stage has not come in the instant case, as such the decisions cited are not applicable to the facts of the present case. Even otherwise, there is no material in this case to show that the respondent-authorities have acted in violation of law. The discretion exercised to order for inspection, inquiry is based on disclosable facts and circumstances and this Court cannot sit in appeal over the such discretion exercised by the authorities by invoking the power of judicial review under Article 226 of the Constitution of India.

23. In the circumstances, there are no merits in the writ petition (wp no.10201 of 2017) and it is accordingly dismissed and as a necessary corollary writ petition no.12296 of 2019 is also dismissed. The connected miscellaneous petitions, if any, pending in these writ petitions are also dismissed. There shall be no order as to costs".

9. Learned counsel for the petitioner further contends that by virtue of the common order dated 04.02.2020 in W.P.Nos.10201 of 2017 and 12296 of 2019, the date of commission of the alleged offence shall be reckoned as 04.02.2020 and not the date of inspection submitted to the Ministry. He contends that the trial Court vide order dated 28.10.2024 in Crl.M.P.No.90 of 2022 in SR.No.1472 of 2021 dismissed the application filed by the petitioner/Registrar of Companies seeking to condone the delay in filing the complaint under Section 295(4) of the Companies Act, 1956 for violation of Section 295(1)(A) of the Companies Act, 1956.

10. Learned counsel for the petitioner further contends that the matter was sub-judice before this Court and that the common order was passed on 04.02.2020 due to which, the petitioner failed to file the complaint within a year i.e., on or before 01.02.2019; that the period of time from the date of closure of limitation for filing the complaint be herewith excluded in terms of Section 470 Cr.P.C. by taking into consideration that the petitioner has taken due diligence in good faith to prosecute the respondents; that attaining finality in the common order, the petitioner could not file the prosecution immediately due to outbreak of Covid-19 Pandemic. Therefore, he contends that the petitioner has shown sufficient cause for not preferring the complaint within the limitation period. Relying on the decision passed by the Hon'ble Supreme Court in **Basawaraj & Another Vs. The Special Land Acquisition Officer in Civil Appeal No.6974 of 2013², State of Himachal Pradesh Vs. Tara Datt and another³, Manindra Land and Building Corporation Limited Vs. Bhootnath Banerjee & Ors.⁴, Lala Matadin Vs. A.Narayanan⁵, Parimal Vs. Veena @ Bharti⁶, Maniben Devraj**

² (2013) 14 SCC 811

³ 1999 Supp(4) SCR 514

⁴ AIR 1964 SC 1336

⁵ AIR 1970 SC 1953

⁶ AIR 2011 SC 1150

Shah Vs. Municipal Corporation of Brihan Mumbai⁷, he seeks to pass appropriate orders.

11. On careful scrutiny of the material available on record and the impugned order it can be seen that no such reasonable explanation was found to be forthcoming from the petitioner/complainant for the cause of the delay in filing the complaint and it is hopelessly barred by limitation. At this juncture, it can be re-iterated that limitation is a matter of statute and must be strictly enforced. Therefore, this Court is of the opinion that the petitioner failed to show sufficient reason for day-to-day delay in filing the complaint. Hence, I do not find any perversity in the order passed by the trial Court and these Revisions Cases are liable to be dismissed.

12. Accordingly, these Criminal Revision Cases are dismissed.

Miscellaneous Petitions, pending if any, shall stand closed.

AIR 2012 SC 1629

SD/- A.V.S.PRASAD
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judge for Economic Offences Court at Hyderabad.
2. One CC to Mr.N.Bhujanga Rao, Deputy Solicitor General of India Advocate [OPUC]
3. Two CD Copies

Svs/PSL

K&

HIGH COURT

DATED:28/11/2025

COMMON ORDER

**CRIMINAL REVISION CASE NOS: 262, 271 AND
272 OF 2025**



DISMISSING THE CRIMINAL REVISION CASES

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