

21.05.2026
Item no. 83
Ct. No.237
AKG

C.R.R. 2045 of 2026
Ahilya Sharma & Ors.
Vs.
The Securities and Exchange Board of India

Mr. Ayan Bhattacharya,
Mr. Anirban Dutta,
Mr. Younus Sultan

...for the Petitioners

Mr. Sudip Kumar Dutta,
Mr. Prakash Ranjan Singh

...for SEBI

A complaint case was instituted by the Securities and Exchange Board of India under Sections 24(1) and 27 of the Securities and Exchange Board of India (SEBI) Act, 1992. It appears that, owing to the petitioners' failure to respond to the summons issued against them, the learned Special Judge issued warrants of arrest on September 8, 2021. Challenging the said proceedings, the petitioners filed an application for quashing before this Court, being CRR 1594 of 2018.

Since the petitioners failed to appear before the learned Special Judge pursuant to the summons issued against them, warrants of arrest were issued on September 8, 2021. Subsequently, this Court, by an order dated June 18, 2025, stayed all further proceedings, and such interim order was extended until the disposal of the quashing application. However, the quashing application was ultimately rejected by this Court on March 27, 2026.

Following the rejection of the quashing petition, the petitioners filed an application before the learned Special Judge under Section 205 of the Code of Criminal Procedure, 1973, seeking dispensation of their personal appearance. The said application was last taken up for hearing on April 23, 2026. On that date, an adjournment was sought on behalf of the petitioners by their learned advocate on the ground that he was unable to attend Court as he had gone to cast his vote in the Assembly Election, 2026. The impugned order of the learned Special Judge, however, reveals that the learned advocate on the same date appeared before the High Court in connection with another matter.

There can be little doubt that the conduct of the learned advocate representing the petitioners before the learned Special Judge fell short of the standards expected of a member of this noble profession. Any form of misrepresentation by a member of the Bar before a Court of law is wholly unacceptable and least expected. Taking into consideration the conduct of the learned advocate, the learned Special Judge rejected the petitioners' application under Section 205 of the Code of Criminal Procedure, 1973.

Before this Court, Mr. Ayan Bhattacharya, learned Senior Advocate appearing on behalf of the petitioners, submitted that the petitioners had decided not to engage the said advocate any further in connection with the present case. An unconditional apology has also been tendered for misleading the learned Special

Judge. It has further been submitted that, as a token of apology for the conduct of the learned advocate, the petitioners are willing to pay a sum of Rs. 15,000/- to the Calcutta High Court Legal Services Committee.

This Court is of the opinion that sufficient grounds existed for the petitioners' non-appearance before the learned Special Judge during the pendency of the quashing application. It further appears that immediately after the rejection of the quashing application, the petitioners approached the learned Special Judge by filing an application under Section 205 of the Code of Criminal Procedure, 1973, seeking dispensation of their personal appearance.

The complaint case, on the face of the record, appears to be a summons case. It further appears that the learned Judge did not adequately consider the petitioners' application for dispensation of personal appearance and was significantly influenced by the conduct of the learned advocate who had appeared on behalf of the petitioners. In the opinion of this Court, sufficient merit exists in the present application to warrant dispensation of the petitioners' personal appearance, particularly in view of the fact that all the petitioners are residents of Patna and two of them are women.

Accordingly, the revisional application stands disposed of by allowing the application under Section 205 of the Code of Criminal Procedure, 1973. The petitioners shall deposit the

aforesaid costs with the Calcutta High Court Legal Services Committee within seven days from the date of this order.

Consequently, **CRR 2045 of 2026** stands disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)