

13.04.2026
119.
Bd.
Ct. 29

CRR 2511 of 2025

Ram Gopal Gupta & Ors.

Vs.

Union of India & Anr.

**Mr. Pawan Kumar Gupta
Mr. Rajiv Kumar Choudhury
Ms. Sofia Nesar
Mr. Santanu Sett
Mr. Abhijit Bose ... for the petitioners.**

Criminal Proceeding being Criminal Case No. 09 of 2024 has arisen out of Complaint under section 439(2) read with Section 436 read with section 212(14) and (15) of the Companies Act, 2013 read with section 621(1) of the Companies Act, 1956 read with section 193 of Code of Criminal Procedure based on an investigation report dated 23.01.2023 for contravention and violation the sections 58(6) read with Companies Rules.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioner submits that petitioner no. 1 and petitioner no. 2 were appointed as Director in the year 2020 and petitioner no. 3 was appointed in the year 2021 as statutory auditor in the company and as such they cannot have any involvement with the offences as alleged in the purported complaint. They have been falsely implicated. They are no way concerned with the alleged offence. Even no prima facie case has been made out against the petitioners as no specific overact has also been attributed against them. He further submits that

from the address of the petitioners given in the complaint it is clear that all the three petitioners reside beyond the jurisdiction of the concerned Magistrate but without following the mandatory provisions laid down in section 202 of the Cr.P.C. the court below has issued process against the petitioners, which is bad in law. Therefore further continuance of the impugned proceeding will be a mere abuse of the process of the court.

Having heard learned counsel for the petitioners, the application is admitted.

Petitioners are directed to serve a copy of application upon the opposite parties through speed post intimating next date of hearing and to file affidavit of service on the returnable date.

Let the matter be listed under the heading "Contested Application" in the monthly list of June, 2026.

Learned counsel for the petitioners also prays for interim relief.

Having heard learned counsel for the petitioners and that the petitioners have made out an arguable case, which requires adjudication on merit, let all further proceedings of Criminal Case No. 09 of 2024 presently pending before learned Judge, 2nd Special Court, City Sessions Court at Calcutta, qua the petitioners **Ram**

Gopal Gupta, Triloki Nath Agrawal, Bhupendra Singh,
be stayed for a period of twelve weeks from date or until
further order, whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)