

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal(Cr) No.642/2005.

(From the judgement and order dated 05/11/2004 in CRLRC No. 1872/2003 of
The HIGH COURT OF MADRAS)

A. MUTHUSAMY & ANR.

Petitioner(s)

VERSUS

ENFORCEMENT OFFICER & ANR.

Respondent(s)

(With appln(s) for stay and office report)

Date: 22/07/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s)

M/s R.Anand Padmanabhan,Amritha J.Sarayoo,

Pramod Dayal,Advs.

For Respondent(s)

Mr.TS Doabia,Sr.Adv.

No.1

M/s Vikas Sharma,P. Parmeswaran,Advs.

No.2

M/s V.Balaji,Menna Kumari,Subramoniam Iyer,

PN Ramalingam,Advs.

UPON hearing counsel the Court made the following

O R D E R

Heard counsel for the parties.

In this case the only grievance of the petitioners is that though they were

Directors of the Company earlier, presently they are not Directors or Officers of the

Company since they have resigned their offices quite some time back. It is, therefore,

submitted that they cannot be compelled to represent the Company in the instant case.

Counsel for the Company states that as noticed by the High Court the Board of

Directors of the Company has authorised one Shri S.Ramaswamy to institute and

defend legal proceedings both in civil and criminal matters under the Company Law.

He further states that the aforesaid S. Ramaswamy will appear before the court

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in the instant proceeding as well and defend/protect the interest of the Company.

Counsel for respondent no.1 has no objection, but he wishes it to be clarified that the said S.Ramaswamy will appear before the court on the next date without insisting on issuing of summons etc. We order accordingly.

It is clearly understood by the parties that S.Ramaswamy will appear on behalf of the Company before the Addl.Chief Metropolitan Magistrate (Economic Offences-I) Egmore, Chennai, in the instant proceeding and take necessary steps. The special

leave petition is disposed of in the above terms.

[Naresh Kumar]

[Vijay Dhawan]

