

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).844/2005

(From the judgement and order dated 02/12/2004 in CRLP No. 3046/2000 of The
HIGH COURT OF KARNATAKA AT BANGALORE)

ELIZABATH LEELE GEORGE

Petitioner(s)

VERSUS

HMT INTERNATIONAL & ORS.

Respondent(s)

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

WITH SLP(Crl) NO. 2324 of 2005

(With appln.(s) for C/delay in filing SLP and exemption from filing C/C of the
impugned judgment and stay and office report)

Date: 04/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. P.K. Manohar, Adv.

For Respondent(s)

Mr. C.V.Francis, Adv.

Mr. G. Prakash, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Special Leave granted.

The appeals are allowed in terms of the signed order.

(Sukhbir Paul Kaur)

(Vijay Dhawan)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 8 OF 2007
(Arising out of SLP(Crl.)No.844 of 2005)

ELIZABATH LEELA GEORGE

...APPELLANT(S)

Versus

HMT INTERNATIONAL & ORS.

...RESPONDENT (S)

WITH CRIMINAL APPEAL NO.9 OF 2007 @ SLP(CRL.) NO.2324 OF 2005

O R D E R

Delay condoned.

We have heard counsel for the parties.

Special Leave granted.

us on In these two appeals, two points have been urged before
behalf of the appellant. Firstly, it is submitted that two of the directors
namely Dr. (Mrs.) Elizabeth Leela George and Mr. T.A.Krishnamurthy are
nominee directors and therefore, their prosecution is not justified.
Secondly, it is submitted that the complaint does not fulfil the
requirement of Section 141 of the Negotiable Instruments Act in the light
of the judgment of this Court reported in 2005 (8) SCC 89.

ent Mr. C.V.Francis, counsel appearing on behalf of the respondent
conceded that so far as the nominee directors are concerned, they cannot
be prosecuted.

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So far as the remaining directors are concerned, he submits that
the Managing Director and the Secretary of the Company cannot escape
their liability. According to him Mr. George Varghese Koluthara is the

Executive Director. However, we do not find any such description of the director in the complaint nor any averment has been made in the complaint that he is an Executive Director of the Company. Learned Counsel appearing on behalf of the appellant also conceded that so far as the Managing Director and the Secretary are concerned, they cannot escape their liability.

In the circumstances, these appeals are allowed to the extent that the prosecution as against Dr. (Mrs.) Elizabeth Leela George and Mr. T.A.Krishnamurthy are quashed. Similarly, the prosecution as against Mr. George Varghese Koluthara is also quashed. The remaining accused shall have to face the prosecution.

These appeals are allowed to the extent indicated above.

.....J.

(B.P.SINGH)

.....J.

(TARUN CHATTERJEE)

New Delhi,

January 4, 2007