Court of Sh. G.N. Pandey ACMM Delhi 675/11 KR

Seal of the Court of District & Sessions Judge Copying Agency (Criminal)

IN THE COURT OF LD. ACMM, TIS HAZARI, DELHI.

COMPANY CASE NO. OF 2004

108/09 27/01/09 02401R5184172004

THE REGISTRAR OF COMPANIES
NCT OF DELHI & HARYANA
2ND FLOOR, PARYAVARAN BHAWAN,
B-BLOCK, CGO COMPLEX, LODHI ROAD
NEW DELHI. .....COMPLAINANT

Vs.

1. M/s. Star Electronics Ltd., 503, Pragati Tower, 26, Rajinder Place, New Delhi.
2. Rajesh Arora, Flat No.1-B, Lake View Aptt., 45/18, East Patel Nagar, New Delhi.
3. M.S. Prasad, F-1595, Netaji Ngr., New Delhi. → P.O.
4. Anil Kumar Jain, flat No.284, LIG Pocket, D-6, Sector-6, Rohini, Delhi.

.....ACCUSED

1803/03/10 10-3-10

COMPLAINT UNDER SECTION 159/162 OF THE COMPANIES ACT, 1956.

The complainant, Registrar of Companies, NCT of Delhi & Haryana showeth as under :- 11/3/10

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ROC VS. STAR ELECTRONICS LTD.

27.02.06

Present: CP for ROC.

All accused are absent.

Process Server HC Anand Kumar, who served process U/s 82-83 Cr.PC with respect to accused M.S. Prasad, is present. His statement is recorded as CW1.

I have perused his statement and his reports on the process. I am satisfied that accused M.S. Prasad is not traceable and has got no property capable of being attached in his name. Accused M.S. Prasad is declared P.O.

Issue process U/s 82-83 Cr.PC against accused Rajesh Arora and Anil Kumar Jain to be executed by way of publication in a leading newspaper and W/A in the sum of rupees two lacs against the accused no.1 company returnable on 25.07.06.

ACMM Delhi

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दिनि

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Seal of the Court of District & Sessions Judge Copying Agency (Criminal)

CC No. 1803-1804/03/10

COMMON ORDER

13.02.2011

Present: Company prosecutor Ms. Kusum Yadav with AR of complainant.

HC Vinod Kumar, Process Server is also present.

Accused no. 3 M.S. Prasad is already PO vide order dtd. 27.02.06.

Process u/s 82 Cr. PC has already been executed against accused Anil Kumar Jain. Process Server examined and discharged. I have perused the statement of process server. This court is satisfied with his statement that the accused is not traceable. Hence accused Anil Kumar Jain is hereby declared P.O.

Perusal of the records reveals that the accused are not traceable now, despite repeated processes sent from the court. The complainant submits that the complainant is not in possession of any other address of the accused as of now. The present case pertains to summons triable offence u/s 159/220 of the Companies Act only which is punishable with fine only. In such summons triable offence there is no point in keeping such files, as the present one, pending since despite repeated processes the accused persons are not served and it unnecessarily consumes a lot of precious time of the court and also it occupies the cause list of the court without any fruitful results. In this

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court there are thousand of such matters pending, filed by the Registrar of Companies, in which for years together the accused could not be served. They have vanished from the given addresses. In such circumstances, it would be appropriate that the matter be adjourned sine-die and the files be preserved and in case the complainant is able to lay its hands on of any fresh or new address of any of the accused, the complainant may get the file revived so that some fruitful proceedings can be conducted. Other wise adjourning such matters unnecessarily, more particularly when the processes are not being served, would only consume precious time of the court. It is ordered that file be consigned to the Record Room, being adjourned sine-die, and file is ordered to be preserved in the Record Room so that it can be revived, if required.

(AJAY GUPTA)
ACMM(SPL. ACTS)/CENTRAL/
DELHI/28.02.2011

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10/7/17

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Seal of the Court of District & Sessions Judge
Copying Agency (Criminal)

ROC VS. M/S. STAR ELECTRONICS LTD.

CW.1: HC-Anand Kumar, No. 74-SW, PS. Inderpuri, Delhi, ON SA.

On 15.12.2004 I was entrusted with service of process u/s 82 Cr.PC with respect to accused M.S.Prasad . I went to the stated address i.e. F-1995, Netaji Nagar, Sarojini Bnagar, New Delhi and searched for the accused but he could not be located. I pasted a copy of process on the notice board of the court and a copy thereof at the conspicuous place near the stated address of the accused. I have given my report on the process U/s 82 Cr.PC. The same is Ex.CW1/A.

On 12.01.2005 I was also entrusted with process U/s 83 Cr.PC with respect to accused but could not locate any movable or immovable property capable of being attached in his name. Report on the process U/s 83 Cr.PC is Ex.CW1/B.

RO & AC

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27.02.2006

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CC No. 1803-1804/03/10
ROC Vs. M/s. Star Electronics Ltd.

28.02.11
COMMON STATEMENT
Statement of HC Vinod Kumar, No. 274, PS North Rohini.

On SA

I received the process U/s 82 Cr. PC against the accused Anil Kumar Jain for its execution. On 10.02.2010, I affixed the said process copy at the court notice board of Tis Hazari Court Complex and on that very day I went to the address of the accused i.e. H.No. 284, LIG, Pkt-D6, Sector 6, Rohini, Delhi. I enquired about the accused but came to know that the accused in the locality but that information that the accused is missing. Fresh address of the accused could not be known despite efforts. Therefore, I affixed one copy of the process u/s 82 Cr. PC at the door of the said house. I made beating of drums in the premises nearest to the accused address. My report in this regard which is my handwriting duly signed by me is Ex.C1 and my signatures is at point A. My report is correct.
RO & AC

(AJAY GUPTA)
ACMM(SPL. ACTS)/
CENTRAL/ DELHI/28.02.2011

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कार्यालय जिला एवम् सत्र न्यायाधीश
दिल्ली
प्रतिलिपि
10/7/17
दिनांक जाँच कर्ता
भारतीय साक्ष्य अधिनियम 1872 की
धारा 76 के अधीन प्राधिकृत