
(1919) 11 AHC CK 0010
In the Allahabad High Court

Lachmi Narain and Others

APPELLANT

Vs

Emperor

RESPONDENT

Date of Decision : 11-11-1919

Acts Referred:

Companies Act, 1956 — Section 76(1)

Citation : AIR 1920 All 357 : 54 Ind. Cas. 494

Hon'ble Judges : Ryves, J

Bench : Single Bench

Judgement

Ryves, J.—In this case a number of directors of the Kharidar Kapra Company, Limited, Cawnpore, were tried for an offence u/s 76 of the Indian Companies Act, and convicted and ordered to pay a fine. Under that section a general meeting of every company shall be held once at the least in every year, and not more than 15 months after the holding of the last preceding meeting, and, if not so held, the Company and every officer of the Company who is knowingly a party to the default shall be liable to a fine. The last ordinary general meeting of the Company was held on the 6th of February 1916. There was no other general meeting of the Company within 15 months from that date. A written statement was shown to the Court but returned on the ground that it was not necessary to file it. Referring, however, to that written statement the Magistrate holds that the directors admit that technically an offence u/s 76(1) of the Companies Act has been committed. He, therefore, apparently has not gone into the other facts of the case. Reading the written statement it seems to me that there was no admission of any offence u/s 76. I find as a matter of fact that an extraordinary general meeting of the Company was held on the 10th of April 1919. This was within 15 months of the last general meeting. There is nothing in Section 76 which differentiates an extraordinary general meeting from a general meeting. It seems to me, therefore, that no offence u/s 76 has been made out. I, therefore, allow the application, set aside the conviction and direct that the fines, if paid, be refunded. I order the book to be returned.