

(2021) 12 JH CK 0005

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 2584 Of 2021

Michael Douglas Dougherty And Others

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 07-12-2021

Acts Referred:

Citation : (2021) 12 JH CK 0005

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Pandey Neeraj Rai, Suraj Verma

Judgement

Sanjay Kumar Dwivedi, J

At the outset, Mr. Pandey Neeraj Rai the learned counsel appearing for the petitioners submits that he will array the informant as opposite party no.2, in course of the day.

Let notice be issued upon newly added opposite party no.2 by ordinary process as well as registered post with A/D for which requisites etc. must be filed within a week.

Mr. Pandey Neeraj Rai, the learned counsel appearing for the petitioners further submits that the FIR disclosed a dispute between the buyer firm and the seller company (M/s Sai Conclave Pvt. Ltd., Kolkata), whom the price was paid to, the goods was purchased from and TCS certificate and invoice were issued by, and whose promise to get the registration done has been breached, allegedly. He also submits that the petitioner nos. 1 and 2 are foreign nationals residing in the USA and France respectively. The petitioner no.1 has even ceased to be the Director of Polaris India Private Limited after 01.03.2021. The petitioner no.3 has ceased to be a Director of the company after 30.04.2020 and resides in New Delhi. The petitioner no.4 is a woman, ceased to be connected with the company after 19.03.2019 and lives in New Delhi. The petitioner no.5 never was a Director, but the Company Secretary, who also has ceased to connected with the company

after 10.03.2021 and lives in New Delhi. He further submits that the complaint in the present case was not even supported by the affidavit, as required in law as per the law laid down by the Hon'ble Supreme Court in the case of Priyanka Srivastava v. State of U.P., reported in (2015) 6 SCC 287.

The opposite party-State is directed to file counter affidavit within four weeks.

No coercive steps shall be taken against the petitioners in connection with Sector-4 P.S. Case No.15/2020, pending in the court of the learned Chief Judicial Magistrate, Bokaro, till the next date. Let this matter appear on 15.02.2022.