

(2019) 07 CAL CK 0017

In the Calcutta High Court

Case No : Criminal Revision (CRR) No. 7 Of 2017

Santosh Kumar Dwivedi & Ors

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 04-07-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 82, 155(2), 156(1), 438, 482
West Bengal Protection Of Interest Of Depositors In Financial Establishments Act, 2013
— Section 3(1)(a), 21A
Indian Penal Code, 1860 — Section 120B, 406, 409, 420
Constitution Of India, 1950 — Article 20(1), 226

Citation : (2019) 07 CAL CK 0017

Hon'ble Judges : Madhumati Mitra, J

Bench : Single Bench

Advocate : Sabyasachi Banerjee, Ayan Bhattacharaya, Gopal Ram Sharma, Ashish Mukherjee, Pradeep Kumar Singh, Prateek Tiwari, Sourabh Prasad, Ranabir Roy Chowdhury, Mainak Gupta, Sandip Ghosh, Supratim Bhattacharjee

Final Decision : Disposed Off

Judgement

Madhumati Mitra, J

Present petitioners have invoked the extraordinary jurisdiction of the High Court under Section 482 of the Code of Criminal Procedure and sought for

an order to quash the charge-sheet being no.613/18 dated 14.09.2018 under Sections 3(1)(a) of the West Bengal Protection of Interest of Depositors

in Financial Establishments Act, 2013 and under Sections 420/406/409/120B of the Indian Penal Code arising out of Sankrail Police Station, Case No.

76/2016 dated 29.01.2016 pending before the Learned Additional District & Sessions Judge, 3rd Court, Howrah.

The present petitioners are three FIR named accused persons. In their application under Section 482 of the Code of Criminal Procedure the petitioners

have described themselves to be the former Directors of M/s. Rising Agrotech Ltd. of 35/1 Kali Temple Road, 3rd floor, Kolkata, 700026, and stated

that they had resigned from the directorship of the company in the year 2010.

Opposite party no.2 Anup Kumar Roy on 29.01.2016, lodged an FIR with Sankrail Police station making allegations against the FIR named accused

persons that they being the Board of Directors of Rising Agrotech Limited and Rising Tourism Limited, Arijit Tie up, Royal Consumer Business Pvt.

Ltd., Royal Finance Pvt. Ltd., having their registered office at 35/1, Kali Temple Road, dishonestly misappropriated the entire fund of the

investors/depositors of the company amounting to Rs.1,69,01,336.00/-. It was alleged in the said FIR that the FIR named accused persons by their

wide ranging dishonest attractive publication relating to the investment and by giving false assurance that they would repay the principal amount with

exorbitant rate of interest i.e. they would repay double amount after expiry of six years and four times of capital amount after expiry of ten years.

They used to receive money from public. Depositors invested money and purchased the policies which were duly acknowledged by the said company

and after the period of maturity of those policy certificates and recurring schemes of one year and three years the company did not make repayment

of any amount to the depositors as per their commitment. It was also alleged that accused had accumulated a huge fund from the depositors by

misleading them for misappropriating the entire fund for their personal gains.

On the basis of the said FIR Sankrail, P.S.Case no.76 of 2016 dated 24.01.2016 was started against the FIR named accused persons for commission

of alleged offences under Sections 420/406/409/120B of the Indian Penal Code.

After completion of investigation charge-sheet was submitted against the accused persons along with others for commission of alleged offences

punishable under Sections 406/409/420/120B I.P.C and 3(1)(a) of the West Bengal Protection of Interest of Depositors in Financial Establishments

Act, 2013. (Hereinafter referred to as Act of 2013).

Learned Advocate appearing for the petitioners has contended that M/s. Rising Agrotech Limited was incorporated on July 13, 2010 and obtained the

certificate for commencement of business on July 23, 2010. Petitioner no.1 resigned from the said M/s. Rising Agrotech Limited on August 02, 2010

and petitioner nos. 2 and 3 subsequently resigned from the said company on

31st July, 2010, but their resignation letters were not forwarded to the Registrar of Companies, West Bengal without any cause by the company and therefore the petitioners once again submitted their resignation from the company on 30.11.2010. Learned Advocate has further contended that the petitioners also resigned from M/s. Rising Tourism Limited on 15.11.2010.

It has been submitted on behalf of the Petitioners that on and from the date of submission of their respective resignation from the above mentioned two companies on 30.11.2010 and 15.11.2010 the petitioners had no connection with the business of the said two companies.

At the outset, Learned Counsel has invited the attention of the Court to certain orders passed by the Learned Court below and contended that those

orders were issued against the petitioners by the Learned Court below in a very cursory and casual manner. He has also pointed out certain

irregularities in the orders passed by the Learned Court below. He has drawn the attention of the Court to the order dated 30th August, 2018,

regarding issuance of order of proclamation and attachment and contended that minimum period of 30 days as required by law was not given to the

present petitioners to appear from the date of the order dated 30.08.2018. According to his contention the Learned Court below issued order of

proclamation and attachment and fixed on 27.09.2018, for execution return of the said proclamation and attachment. Mr. Banerjee, Learned Advocate

for the petitioner has further contended that after issuance of order of proclamation and attachment under Section 82 of the Code of Criminal

Procedure, the Learned Court below again on 17th September, 2018 issued warrant of arrest against the petitioners. He has further submitted that

both the orders of issuance of proclamation and attachment and subsequent issuance of warrant of arrest in the respect of the same accused are not

sustainable in law. In support of his contention he has placed reliance on a decision of one of the co-ordinate Benches of Calcutta High Court reported

in 2014(3) Criminal Court Cases 839 (Calcutta).

In the decision cited by the Learned Counsel a question was raised before the Court as to whether a Court can issue both warrant of arrest and order

of proclamation and attachment simultaneously. In the present case, the Learned Court below issued warrant of arrest against the accused persons in

respect of whom order of proclamation and attachment was already issued. This

decision has no manner of application in the present case. It is true that the order dated 30.08.2018 is not in accordance with Section 82 of the Code of Criminal Procedure. The subsequent order of issuance of warrant of arrest against the same accused persons against whom the order of proclamation and attachment was issued is not proper. In this connection, the Learned Advocate appearing for the State has also conceded the submission as made by the Learned Counsel for the petitioners and has frankly submitted that the aforesaid two orders are not in consonance with the provisions contained in the Code of Criminal Procedure.

The Learned Counsel for the petitioners has contended that the accused/petitioners are innocent. The main plank of his submission is that the petitioners are no way connected and involved in the alleged crime. It is the specific contention of the petitioners that the petitioners on being allured by Mr. Siddhartha Koyal subscribed five thousand equity shares for value of Rs.10/-each of the said M/s. Rising Agrotech Limited on 30th June, 2010 and thereafter said M/s. Rising Agrotech Limited was incorporated on 13th July, 2010 and the said M/s. Rising Agrotech Limited obtained the certificate of commencing of business on July 23rd, 2010. It is the specific contention of the petitioners that they disassociated themselves from the said Company by tendering resignation and at the time of commission of alleged offences they were not the Directors of the accused companies.

Learned Advocate for the petitioners in support of the said contention has placed reliance on "Annexure P-14" at pages 203,204 and 205 and submitted that the petitioners tendered their resignation from the Directorship of the said Company on 15.11.2010. It is his specific contention that the petitioners tendered their resignation from the Directorship prior to commission of the alleged offences. In this connection, he has drawn the attention of the Court to the formal FIR and stated that the FIR was lodged on 29th January, 2016 and the date of alleged offences as per the said FIR occurred two years prior to the date of lodging of the FIR. He has vigorously argued that before the commission of the alleged offences, the resignation tendered by the petitioners was accepted under the relevant provision of the Companies Act with effect from 15th November, 2010, as mentioned in "Annexure-15" at pages 207, 208 and 209. Learned Advocate for the petitioners has forcefully argued that the documents

regarding acceptance of the resignation of the petitioners from the Directorship of the accused Company as reflected in Form No.32 are

unimpeachable of character and Court can very well rely on those documents to draw the inference that the petitioners had left the Directorship of the

Company prior to the commission of the alleged offence.

It has been forcefully contended by the Learned Advocate for the petitioners that the alleged offences took place as per FIR in the year 2014 i.e. prior

to commencement of the West Bengal Protection of Interest of Depositors in Financial Establishments Act which came into force with effect from

14.05.2015. While making his submission in favour of quashing of the criminal proceeding pending against the petitioners Learned Advocate has given

emphasis on the ground that insertion of Section 3(1)(a) of the West Bengal Protection of Interest of Depositors in Financial Establishments Act

which came into force after the commission of alleged offences in the charge-sheet is against the provision of the Constitution as contained in Article

20(1). In support of his contention he has cited the decision of Sukhdev Singh Versus State of Haryana reported in (2013) 2 Supreme Court Cases 212

and contended that submission of charge-sheet under Section 3(1)(a) of the Act of 2013 which came into operation after the commission of the

alleged offences is against the spirit of Clause 1 of Article 20 of the Constitution of India as penal statutes should be presumed to have a prospective

operation only. He has further contended that due to the existence of the provision of Section 21A in the Act of 2013, the petitioners have been

deprived of the opportunity to pray for anticipatory bail under Section 438 of the Code of Criminal Procedure. It is the specific contention of the

petitioners that submission of charge sheet against the petitioners under the provisions of West Bengal Protection of Interest of Depositors in Financial

Establishments (Amendment) Act 2013 is totally unconstitutional and the charge sheet submitted against the petitioners is liable to be quashed. It has

been specifically submitted by the Learned Counsel for the petitioners that the submission of charge-sheet under Sections 420/406/409/120B of the

Indian Penal Code against the present petitioners is not tenable in law. It has been contended on behalf of the petitioners that the petitioners being the

former Directors of the Company cannot be prosecuted for the alleged offences committed by the Company. In support of his contention Learned

Advocate for the petitioners has drawn the attention of the Court to the letters of resignation of the petitioners from the accused Company. He has

vigorously argued that the Indian Penal code does not cast vicarious liability on a person not directly involved in the commission of the alleged

offences. Learned Advocate for the petitioners has further contended that prima facie offences under Sections 420/406/409/120B of the Indian Penal

Code has not been made out. In support of his above contention, Learned Advocate for the petitioners has placed his reliance in the decisions of

S.K.Alagh Versus State of Uttar Pradesh and Others reported in (2008)5 Supreme Court Cases 66;2 Asoke Basak Versus State of Maharashtra and

Others reported in (2010)10 Supreme Court Cases 660; Maksud Saiyed Versus State of Gujrat and Others reported in (2008)5 Supreme Court Cases

668; Thermax Limited and Others Versus K.M.John and Others reported in (2011)13 Supreme Court Cases 412.

Learned Advocate appearing for the State has submitted that the Directors of the Companies raised huge amount from the common people throughout

Howrah and its adjacent Districts in West Bengal, since 2010 in the form of FD, RD, MIS, Savings with false assurance of refunding the same with

lucrative and exorbitant rate of interest and the present petitioners being the Directors of the Companies misappropriated the amounts collected from

the public at large. According to his contention the ingredients of the alleged offences are very much present in the FIR as well as in the case diary.

The Learned Advocate for the State has also contended that no reliance should be placed at this stage on the documents of resignation of the accused

from the accused Company as they are not the certified copies of documents. Learned Advocate for the State has vehemently opposed the prayer of

the petitioners by submitting that during investigation it has been revealed that several crores of money of the common people were fraudulently

misappropriated and a huge number of valuable documents were seized during investigation. Accused companies are public companies and did not

have any authorization from SEBI or RBI for collecting deposits from public. It has been forcefully argued by the Learned Advocate for the State that

the accused persons being the Directors and Officials created large number of companies to impress the public and collected money fraudulently and

misappropriated the same. He has drawn the attention of the Court to the gravity of the alleged offences and its adverse affect on the public at large

and economy of the country. It is his specific contention that it is not at all a fit case to quash the proceeding against the petitioners.

Learned Advocate appearing for the opposite party no.2 has contended that the petitioners collected huge public money from the market after giving

assurance to the depositors that deposits would be repaid with interest and thereafter they misappropriated the same. The averments in the FIR prima

facie disclosed the commission of alleged offences and it is not a fit case to quash the proceedings.

All the Learned Counsel appearing for the parties took much pain and advanced their eloquent arguments. Learned Advocate appearing for the

petitioners has cited a series of decisions.

I after carefully and assiduously examining the submissions and counter submissions advanced by all the Learned Counsel for the parties both on the

legal and factual aspects and after scrupulously scanning the materials placed on record and examining the arguments submitted by the parties, would

like to deal with those contentions seriatim.

Petitioners being the accused of Sankrail Police Station Case No.76/16 dated 29.01.2016, have prayed for quashing of the said proceeding under

Section 482 of the Code of Criminal Procedure.

The parameters of jurisdiction of High Court in exercising its jurisdiction under Section 482 Cr.P.C. is now well settled.

In this connection, I would like to mention a decision of Honâ??ble Supreme Court reported in State of Haryana and Others Vs. Ch. Bhajan Lal and

Others reported in AIR 1992 SC 604:

In paragraph 108 of the said judgment the Honâ??ble Supreme Court was pleased to give illustrations wherein the extraordinary power under Article

226 or the inherent power under Section 482 of the Code of Criminal Procedure can be exercised by the High Court to prevent abuse of the process

of any Court or otherwise to secure the ends of justice. The illustrations are as follows:-

â?? 1) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their

entirety do not prima facie constitute any offence or make out a case against the accused;

2) Where the allegations in the First Information Report and other materials, if

any, accompanying the F.I.R do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section of 155(2) of the Code;

3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

4) Where the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section. 155(2) of the Code;

5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

6) Where there is express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and / or where there is a specific provision in the Code or the concerned Act, providing efficacious redress, for the grievance of the aggrieved party;

7) Where a criminal proceeding is manifestly accompanied with mala fide and / or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to personal and private grudge.â??

I would like to refer another decision in R.P.Kapur Vs. State of Punjab reported in AIR 1960 SC 866:

i. â??Where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;

ii. Where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged;

iii. Where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.â??

Coming to the case at hand, the petitioners are the FIR named accused persons. Their names have been mentioned as accused in the FIR lodged on

29.01.2016 by one Anup Kumar Roy against M/s. Rising Agrotech Limited and M/s. Rising Tourism Limited, Arijit Tie up, Royal Consumer Business

Pvt. Ltd, Royal Finance Pvt. Ltd. having their registered office at 35/1, Kali Temple Road, 3rd Floor, Kolkata- 700026, West Bengal which was closed

last two years prior to lodging of the FIR on 29.01.2016, without any public notice.

Contention of the petitioners that prior to commencement of the West Bengal Protection of Interest of Depositors in Financial Establishments Act

2013 the petitioners tendered their resignation from the accused companies and said resignation was accepted by the competent authority. Learned

Counsel has further added that as per First Information Report the alleged offence was committed two years back from the date of lodging FIR on

29.01.2016. According to his contention the alleged incident occurred in the year 2014 and the accused ceased to be the Directors of the Company in

the year 2010.

In the instant case, the written complaint was addressed to the officer-in-charge of Sankrail Police Station, Howrah. In the captioned case it was

mentioned that the office of the accused company was closed since last two years without any public notice and accused Company was continuing

the business at P.C.Roy Road, Duila Road, Andul, Howrah. In the written complaint it was alleged that a number of companies were created by the

accused to collect money from the public at large in the various investment schemes with assurance that principal amount with exorbitant rate of

interest would be refunded after expiry of one year, three years, six years and ten years.

There are specific allegations against the Directors that they created the companies with the purpose of collecting public money under various

schemes for the purpose of misappropriation. The materials placed on record show that the accused persons created the Companies in the year 2010

and from the very inception started to collect money from the public under different schemes with assurance to repay the amount with high rate of

interest after one year, three years, six years and ten years. Naturally commission of alleged misappropriation was detected when the specified period

of deposit completed or on maturity.

From the materials collected during investigation, it appears that crores of rupees were collected from the public without taking any permission from

SEBI, RBI and ROC since 2010 and the companies were created by the accused with the sole purpose to misappropriate the public money. The plea

as taken by the petitioners that they resigned from the Directorship in the month of November, 2010 does not absolve the accused from alleged

offences as nature of the alleged offences is continuous offences.

From the case diary it appears that the Company failed to repay the deposit along with interest to the depositors as promised in the schemes of the

Companies.

Section 3(1)(a) of the West Bengal Protection of Interest of Depositors in Financial Establishments, 2013 runs as follows:-

â??3. Fraudulently default in payment of deposit after a specified period or otherwise by financial establishments.-

(1) Where any financial establishment-

(a) fails to make any re-payment of deposit along with any benefit in the form of interest, bonus, profit or in any other form, after a specified period,

that is, on maturity or otherwise; or

(b) fails to render service, product or asset promised against the deposit; or

(c) fails to render any specified service agreed against such deposit with intention of causing wrongful gain to one person or wrongful loss to another

person; or

(d) commits such default due to its inability arising out of impracticable or commercially not viable promises made while accepting such deposit; or

(e) commits such default due to deployment of money or assets acquired out of the deposits in such a manner as it involves inherent risk in recovering

the same when needed, such financial establishment and every person including the promoter, partner, director, manager, member, employee or any

other person responsible for the management of, or for conducting the business or affairs of such financial establishment, shall be deemed to have

committed a default in repayment of deposit fraudulently.

(2) Every person including the promoter, partner, director, manager, member, employee or any other person responsible for the management, or for

conducting the business or affairs, of a financial establishment who has committed a default in repayment of deposit fraudulently within the meaning of sub-section (1), shall, on conviction, be punishable with imprisonment for life or imprisonment for either description for a term which may extend to ten

years and such financial establishment shall also be liable to a fine which may extend to an amount equivalent to five lakh rupees, or where such

deposit is quantifiable in terms of money, twice the money involved in such default, whichever is higher:

Provided that in the absence of special and adequate reasons recorded in the judgement of the Court, the imprisonment shall not be less than for three

years and the fine shall not be less than twenty thousand rupees as against each individual and not less than one lakh rupees against such financial

establishment.

(3) Every offence punishable under sub-section (2), shall be cognizable and non-bailable.

(4) No Court shall take cognizance of any offence under this section except [with the previous sanction of the Competent Authority within six months

from the completion of the investigation].

(5) No police official below the rank of Deputy Superintendent of Police or equivalent, having jurisdiction, shall investigate an offence under this Act.

(6) All the properties of the financial establishment committing a default in repayment of deposit fraudulently under the provisions of sub-section (1),

and the properties of the persons mentioned in sub-section (2), shall be liable to be attached in accordance with the provision of section 5.â??

An offence under Section 3(1)(a) of the Act, 2013 is committed as soon as the financial establishments fail to make repayment of deposit along with

interest, etc. after the specified period. The words â??failure to make repayment after a specified periodâ? are significant here. It was alleged that

the accused started to collect money from public since 2010 in the form of FD, RD, MIS, Savings with false assurance to repay the same with double

interest after expiry of six years and four times of principal amount after expiry of ten years. Section 3(1)(a) of the Act of 2013 comes into play when

the financial establishments fail to make any repayment of deposit along with benefit after a specified period i.e. after expiry of the period of six years

or 10 years, etc. as the case may be. Though the alleged acts of collection of

money with false assurance started since 2010, but an offence under Section 3(1)(a) of the Act of 2013 was completed in respect of those collection of money when the accused Companies failed to make repayment of the deposit with benefit in the form of interest etc. after the specified period. In the instant case, there was specific allegation in the FIR that the accused created various companies and collected money from the public with assurance of repayment with high rate of interest after specified period i.e. one year, three years, six years and 10 years. In the meantime, the Act of 2013 came into force with effect from 14.05.2015. When the specified period expired after the commencement of the Act of 2013, and the Companies failed to make repayment of such deposit along with interest etc. after specified period or on maturity or otherwise, then there is no bar to take action against the Companies under Section 3(1)(a) of the Act, 2013. The contention of the Learned Advocate for the petitioners that the alleged offence was committed prior to commencement of the Act of 2013 cannot be accepted at this stage.

On perusal of the FIR, it appears that the ingredients of the offence under Section 3(1)(a) of the Act of 2013 are present in the First Information Report as well. The essential requirements of the offence under Section 3(1)(a) of the Act of 2013 are as follows:-

- 1) Deposit of money in financial establishments;
- 2) Such deposit is for specified period;
- 3) Failure on the part of the financial establishments to make repayment of deposit along with any benefit in the form of interest, bonus, profit or in any other form after the said specified period i.e. on maturity or otherwise. Section 3(1)(a) is attracted when the financial establishments fail to make repayment on maturity or otherwise the deposit along with benefit as mentioned in the said Section. Offence under Section 3(1)(a) of the Act of 2013 is complete when the Financial Establishment fails to make repayment of deposit along with benefit after the specified period. Collection of money from the public in different schemes with false assurance to repay the same with exorbitant rate of interest after a specified period started since 2010 prior to commencement of the Act of 2013. When the Financial Establishments fail to make repayment of deposit with the benefits after the commencement of the Act of 2013, then the provisions of Section 3(1)(a) of the

Act of 2013 are applicable. All the above mentioned ingredients are found place in the First Information report and materials collected during investigation.

The decisions as cited by the Learned Advocate for the petitioners have no bearing with factual scenario of the present case. The factual situation of the present case is quite different from the facts of the cases on which reliance have been placed.

A plea has been taken that the alleged offence was committed by the Company and the Directors of the Company were not directly involved in the commission of the said offences and they cannot be held vicariously liable for the commission of the said offences by the Companies.

The allegations made in the FIR and the materials collected during investigation indicate that the accused persons are/were not the mere Directors of Companies already in existence. It was alleged that they had created the Companies with dishonest intention to misappropriate public money. The essential ingredients of the offences under Sections 420/406/409/120B of the Indian Penal Code have also been disclosed in the FIR and evidence collected during investigation.

The first information report, the charge-sheet and the materials collected during investigation clearly show the existence of prima facie case for proceedings against the petitioners for alleged offences as mentioned in the charge-sheet.

Moreover, quashing of prosecution by the High Court by appreciating evidence is not proper when the allegations made in the First Information Report and the materials referred to in the charge-sheet prima facie make out alleged offences. The Court while considering the prayer for quashing should not assume the jurisdiction of the trial Court and to consider the plea of innocence of the accused. While considering the prayer for quashing the High Court should not delve deep into the merit of the case or adjudicate upon a disputed question of fact.

In the instant case does not come within the guidelines as laid down by the Honâ??ble Supreme Court in State of Haryana and Others Vs Ch.

Bhajan Lal and Others reported in AIR 1992 SC 604 and in other subsequent cases regarding exercise of inherent power under Section 482 of the Code of Criminal Procedure.

Moreover, from the materials placed on record, it cannot be said that continuance of the criminal proceedings pending against the petitioners would

amount to an abuse of the process of the Court. In my opinion, it is not a fit case to exercise the discretion under Section 482 of the Code of Criminal

Procedure. Accordingly CRR 7 of 2019 stands dismissed.

Interim order stands vacated.

The orders of issuance of proclamation and attachment dated 30.08.2018 and subsequent warrant of arrest dated 17.09.2018 against the petitioners

are set aside.

Learned Court below is at liberty to issue fresh order of proclamation and attachment in accordance with law.

Before parting with the case, I would like to clarify that the observations as made in this judgment should not be taken as an expression of any opinion

regarding the merit of the criminal proceedings pending before the Learned Court below. Learned Court below shall proceed with the case and

dispose of the same in accordance with law with utmost expedition.

Copy of case diary be handed over to the Learned Advocate appearing for the State.

Urgent Photostat certified copy of this judgment, be supplied to the parties, if applied for, upon compliance with all formalities.