

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

TUESDAY THE THIRD DAY OF DECEMBER
TWO THOUSAND AND THIRTEEN

//PRESENT//

THE HON`BLE SRI JUSTICE: **VILAS V AFZULPURKAR**

COMPANY APPLICATION No. 551 OF 2013

IN

COMPANY PETITION NO. 171 OF 2011

IN THE MATTER OF COMPANIES ACT, 1956

AND

IN THE MATTER OF M/S. PIONEER ALLOY CASTINGS LTD., (IN LIQN.)

Between:

M/s. Pioneer Alloy Castings Ltd., (In Liqn.), rep. by the Official Liquidator, High Court of Andhra Pradesh, Hyderabad.

.... Complainant

AND

1. Sri Tatineni Premkumar, S/o. T. Suryanarayana Rao, 25, First Avenue, Indiranagar, Adayar, Chennai-600020.
2. Pavithra Thaminaar, 195, ST. Marry Road, Alwarpet, Chennai-6000 20
3. Smt. Gita Kakumaanu Subbaiah, D/o. Subbaiah Kakumaaanu, 195, St. Marrys Road, Alwarpet, Chennai-600018.
4. Sri Kooretti Titu Prasad, S/o. Kooretti Nageshwara Rao, F. No. 53, Duplex Nagavilla, Road No. 11, Filmnagar, Jubilee Hills, Hyderabad-33.
5. Sri Prathap Kumar Moturi, S/o. Sathyanarayana Moturi, "Sai Nilayam", No. 25-C, Ranjith Street, Kotturpuram, Chennai-600085.

... Accused

To

The Commissioner of Police, Chennai, Tamilnadu State.

Whereas the Company Application under Section 454 (5) & (5A) of the Companies Act, 1956 read with Rule 9 of the Companies (Court) Rules, 1959 praying that in the circumstances stated in the complaint filed by the Official Liquidator, the High Court may be pleased to

- i. take cognizance of the offence committed by the accused under Section 454 (5A) of the Companies Act, 1956;
- ii. summon the accused for being tried and punished in accordance with sub-Section (5) of Section 454 of the Companies Act, 1956 for having willfully and deliberately not complied with the requirements of sub-section (1), (2) and (3) of Section 454 of the Companies Act 1956;
- iii. dispense with the presence of the complainant during the trial of the above complaint;

Whereas the Court upon perusing the judges summons and the complaint filed by the Official Liquidator herein and the order of the High Court dated: 24-04-2013, 14-06-2013, 12-07-2013, 12-08-2013 & 07-10-2013 made herein and upon hearing the arguments of Sri M. Anil Kumar, counsel for the Official Liquidator for complainant and Sri Srinivas Reddy Muddam, Advocate for the Respondent No. 4 and Sri Penjuri Venugopal, Advocate for the Respondent No. 2 & 5, observed that nobody appears for accused No. 3, directed the Registry to issue Bailable Warrant against Accuse No. 3 to appear on the next date of hearing;

Therefore you viz;

The Commissioner of Police, Chennai, Tamilnadu State.

are hereby directed to arrest the said Accused No. 3 viz; Smt. Gita Kakumaanu Subbaiah, D/o. Subbaiah Kakumaaanu, 195, St. Marrys Road, Alwarpet, Chennai-600018 wherever she is found and produce her bodily under safe custody and conduct before this Court on 23-12-2013 at 10-30 A.M., to which date the case stands posted.

..2..

You are further directed that if the said Respondent furnishes bail bond for a sum of Rs. 5,000/-(Rupees five thousand only) with two sureties each in a like sum of Rs. 5,000/-(Rupees five thousand only) with an undertaking that she will appear before this Court on **23-12-2013**, she may be released on bail subject to the condition that she should attend this Court and shall continue to attend this Court until otherwise directed.

You are also further directed to return this warrant as early as possible preferably on or before **23-12-2013** to this Court with a detailed report stating the manner in which it has been executed or the reasons why it has not been executed.

Herein fail not.

JOINT REGISTRAR

To

1. The Commissioner of Police, Chennai, Tamilnadu State (BY RPAD with a copy of Judge's Summon and affidavit/Complaint)
2. One spare copy.

Ksv

Ksv
Date of drafting: 04-12-2013

HIGH COURT

VVAJ

DATE: 03-12-2013

NOTE: POST ON 23-12-2013

ORDER

**COMPANY APPLICATION No. 551 OF 2003
IN
COMPANY PETITION NO. 171 OF 2011**

**BAILABLE WARRANTS
AGAINST R3**