

Rajni Kant Mishra vs The State Of Bihar on 6 January, 2020

Bench: Sanjay Kishan Kaul, K.M. Joseph

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.6 OF 2020
(Arising out of S.L.P.(Criminal) No.277 of 2018)

RAJNI KANT MISHRA

... APPELL

VS.

STATE OF BIHAR & ANR.

... RESPON

O R D E R

1. Leave granted.

2. We have heard learned counsel for the parties.

3. It cannot be disputed before us that the provisions invoked against the appellant i.e. Sections 63, 68 and 628 of the Companies Act, 1956, no case really can be made out under Section 63 of the Act. Insofar as Section 68 is concerned, the case of the respondents is that if they are able to lift the corporate veil, then they will be able to establish the case in trial.

4. In the conspectus of the aforesaid provisions, we are of the view that the present appeal can be disposed of by directing the trial to go on qua the appellant under Section 68 read with Section 628 of the Companies Act subject to the respondents establishing by lifting of the corporate veil that there is role played at the relevant time by the appellant qua Section 68.

5. In view of the above, the appeal stands disposed of.

.....J. [SANJAY KISHAN KAUL]J. [K.M.JOSEPH] New Delhi;

January 6, 2020.

Rajni Kant Mishra vs The State Of Bihar on 6 January, 2020
S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 277/2018

(Arising out of impugned final judgment and order dated 11-05-2017 in CRLMN No. 44759/2013 passed by the High Court of Judicature at Patna) RAJNI KANT MISHRA Petitioner(s) VERSUS STATE OF BIHAR & ANR. Respondent(s) (FOR ADMISSION and I.R.) Date : 06-01-2020 This petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL HON'BLE MR. JUSTICE K.M. JOSEPH For Petitioner(s) Mr. Suryanarayana Singh, Sr. Adv.

Ms. Pragati Neekhara, AOR For Respondent(s) Mr. Aishwarya Bhati, Sr. Adv.

Mr. Bijan Ghosh, Adv.

Mr. Rajan Kumar chourasia, Adv. Mr. Rajiv Ranjan, Adv.

For Mr. Arvind Kumar Sharma, AOR Mr. Gopal Singh, AOR Mr. Srikanth S., Adv.

UPON hearing the counsel the Court made the following O R D E R Heard learned counsel for the parties. Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application, if any, shall also stand disposed of.

(ANITA MALHOTRA) (H.S. PARASHER) COURT MASTER ASSISTANT
REGISTRAR (Signed order is placed on the file.)