

764



1

IN THE COURT OF ADDITIONAL CHIEF METROPOLITAN  
MAGISTRATE, DELHI

CC NO: 1194 OF 2003

16/11/03

Securities and Exchange Board of India, a  
statutory body established under the  
provisions of Securities and Exchange  
Board of India Act, 1992, having its Head  
office at Mittal Court, B -- Wing, 224  
Nariman Point, Mumbai 400 021  
represented by its Asst. General Manager,  
Rajesh Bhanot.

...Complainant

VERSUS.

1. JBR Forestry Ltd. Company  
incorporated under the  
Companies Act, 1956, having its  
Regd. Office at B-138,  
Mayapuri, Phase-I, New Delhi  
and having its Head Office at A-  
52, Ambedkar Road, Ghaziabad  
(U.P.)-201001.

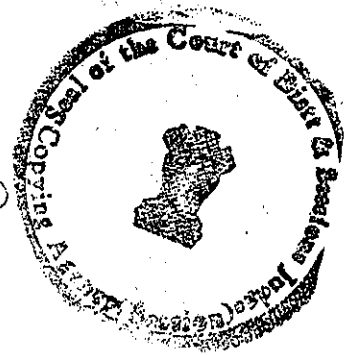
2. Mrs. Renu Sharma, D/o Shri  
R.K.Sharma, Director and  
Promotor of Accused No.1, A-  
51-52, Ambedkar Road,  
Ghaziabad (U.P.).

3. Shri Pradeep Kumar S/o Shri

ATTESTED

Deputy Copying Agent

SD



S.C. Sharma, Director and Promotor of Accused No.1, A-51-52, Ambedkar Road, Ghaziabad (U.P.).

4. Shri Manoj Kumar Sharma, Director and Promotor of Accused No.1, A-51-52, Ambedkar Road, Ghaziabad (U.P.).

5. Ms. Ravinder Kaur D/o Shri N.S. Gill, Director and Promotor of Accused No.1, D 364/A, Pratap Vihar, Ghaziabad (U.P.).

.....Accused

COMPLAINT UNDER SECTION 200 OF THE CODE OF CRIMINAL  
PROCEDURE, 1973 READ WITH SEC. 24(1), 27 OF SECURITIES AND  
EXCHANGE BOARD OF INDIA ACT, 1992

ATTESTED

Copying Agency (Ghaziabad)

CC no. 01/2009

SEBI Vs. JBR Forestry Ltd. Company & Ors.

04.12.2009

Present : Shri Sanjay Maan, counsel for SEBI.

Accused no.1 is a company.

Accused no.5 is P.O.

Accused no.2, 3 & 4 on bail with counsel Shri Ajay Chopra.

1. An application moved on behalf of accused no.2, 3 & 4 pleading guilty.

2. I am satisfied that the plea of guilt of the accused is voluntary. Accordingly, they are convicted for the violations of Sections 11(B), 12(1B) of Securities and Exchange Board of India Act, 1992 and regulation 5(1) read with regulations 68(1), 68(2), 73 & 74 of the Securities and Exchange Board of India (Collective Investment Schemes) Regulations, 1999 punishable under Section 24(1) read with Section 27 of the Act of the above said provisions of the Securities and Exchange Board of India Act.

3. I have heard Ld. counsel for accused on the point of sentence. It is submitted on behalf of accused Renu Sharma that she is 34 years of age and is a housewife whereas accused Pradeep Sharma is 35 years of age and his family comprises of his aged parents, wife and minor child and he is the sole bread earner of the family. It is further submitted on behalf of accused Manoj Kumar Sharma that he is 34 years of age and his family comprises of wife and two minor children and he is also the sole earning



40  
26  
Addl. Sessions Judge  
4/12/09 (Court at)  
T. H. Nagar, Bhopal

ATTESTED  
[Signature]  
Data Copying Agency (Sessions)

member of the family. Prayer is made for taking a lenient view.



4. Ld. counsel for SEBI submits that in case any investor approaches SEBI for repayment, in that case, accused are liable to fulfill the assurance given to the investors. Statement of accused is recorded in this regard. In view of the undertaking given by convicts they are liable for redressal/repayments to investors of their investments in case they approach SEBI or the court.

5. Ld. counsel for SEBI submits that Rs.1,09,000/- was mobilized by the accused no.1 company from the public and accused no.2 to 5 were the directors.

6. The Act came into force in 1992 to provide for establishment of a Board to protect the the interest of investors in securities and to promote the development of, and regulate, securities market and matters connected therewith. According to section 12(1B) of the Act, the Collective Investment scheme could not be run without obtaining registration as per regulations.

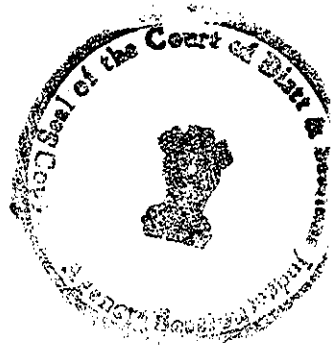
7. It is significant to mention that w.e.f 29.10.2002 section 24 of the Act was amended and provides imprisonment extending up to 10 years and fine up to Rs. 25 crores or both. This shows that the the legislature has viewed the offences under the act and regulation very seriously. Hence in my opinion strict view is called for in the case in question. Moreover the money of investors has still not been returned, no proof

26-  
Adl. Sessions Judge  
4/10/2011  
T. Hazratpur, Delhi

**ATTESTED**

2  
Data Copying Agency (Sessions)

had been filed on record to show that the money of the investors had been returned.



8. However as the offence in question was committed before the amendment came into force hence, considering all the facts and circumstances of the case, accused Ms. Renu sharma, Sh. Pradeep Sharma and Manoj Kumar Sharma are sentenced to pay fine of Rs.10,000/- each in default of payment of fine SI for 3 months each, which in my view will serve the ends of justice.
9. CW 1 Ms. Versha Agarwal, AGM SEBI examined and discharged.
10. In view of the statement of CW 1, I am of the view that there is sufficient evidence on record against accused no. 1 and 5. File is consigned to Record Room u/s 299 Cr. P.C. with the liberty to SEBI to get is reopened/ revived as and when the accused no. 5 is traced.

*Poonam Chaudhary*  
(POONAM CHAUDHARY)  
ASJ(Central-01)/DELHI  
04.12.2009  
Addl. Sessions Judge  
(Central)-01  
Tis Hazari Courts, Delhi

81

