

IN THE COURT OF MS. ASHA MENON: ADDL. SESSIONS JUDGE:  
DELHI.

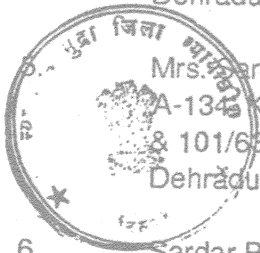
CC NO.179/2005

SECURITIES & 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 Legal Officer, Sh. Sharad Bhansode (now substituted by Ms. Versha Aggarwal, Manager, SEBI).

Complainant

VS.

1. Samridhi Green Forest Ltd.  
A-134, Karampura, New Delhi-15.  
& 101/63, Yamuna Colony Market, Chakrata Road,  
Dehradun, Uttaranchal.
2. P.K. Mishra, Director of accused no.1,  
A-134, Karampura, New Delhi-15.  
& 101/63, Yamuna Colony Market, Chakrata Road,  
Dehradun, Uttaranchal.
3. Mrs. Shakuntla Sethi, Director of accused no.1  
A-134, Karampura, New Delhi-15.  
& 101/63, Yamuna Colony Market, Chakrata Road,  
Dehradun, Uttaranchal.
4. Major Raj Kumar Sehgal, Director of accused no.1  
A-134, Karampura, New Delhi-15.  
& 101/63, Yamuna Colony Market, Chakrata Road,  
Dehradun, Uttaranchal.
5. Mrs. Parita Sharma, Director of accused no.1  
A-134, Karampura, New Delhi-15.  
& 101/63, Yamuna Colony Market, Chakrata Road,  
Dehradun, Uttaranchal.
6. Sardar Pritam Singh, Director of accused no.1  
A-134, Karampura, New Delhi-15.  
& 101/63, Yamuna Colony Market, Chakrata Road,  
Dehradun, Uttaranchal.



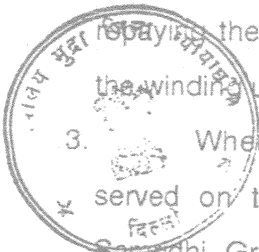
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7. Vinay Sharma, Director of accused no.1  
A-134, Karampura, New Delhi-15.  
& 101/63, Yamuna Colony Market, Chakrata Road,  
Dehradun, Uttaranchal.
8. Ajay Kumar, Director of accused no.1  
A-134, Karampura, New Delhi-15.  
& 101/63, Yamuna Colony Market, Chakrata Road,  
Dehradun, Uttaranchal. .... Accused

### JUDGMENT:

1. This complaint has been preferred by the SEBI against Samridhi Green Forest Ltd. and its directors for violating the regulations no.68(1), 68(2) read with regulations 5(1), 73 and 74 of the SEBI Regulations, 1999 read with Section 12(1B) of the SEBI Act, 1992 and Section 11B of the SEBI Act, 1992 and Section 24(1) of the SEBI Act, 1992 read with Section 27 read with 1992.
2. The allegations against the company and its directors, in brief, are that they had floated Collective Investment Schemes and had collected Rs.20,000/- from the investors but despite the notifications and public notice of the SEBI in this regard, the accused had neither got their Collective Investment Scheme registered with the SEBI nor had they complied with the SEBI Chairman's order dated 7.12.2000 for winding up the scheme and repaying the investors within a month of the order and submitting the winding up and repayment report to the SEBI by 31.3.2000.
3. When notice of allegations under Section 251 Cr.P.C was served on the accused P.K. Mishra, director of accused no.1 Samridhi Green Forest Ltd, he pleaded not guilty. It may be mentioned that process under Section 82-83 Cr.P.C has already been initiated against the remaining accused for declaring them PO.



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4. The SEBI was permitted to substitute Ms. Versha Aggarwal, Manager, SEBI in place of Sh. Sharad Bhansode, Legal Officer, SEBI for continuing this complaint and she has been examined as CW1. She has brought on record the letter of the accused company dated 15.1.98 intimating the SEBI that the company had raised Rs.20,000/- from the general public and provided all the names of the directors which included the name of P.K. Mishra, the present accused. She has also brought on record the various letters sent to the company for personal and specific intimation of the notification of the rules and regulations and the requirements thereunder and the return of these communications as the firm was not found at the given address. She has also stated that a public notice had been issued in this respect for compliance of not only the requirements but also of the Chairman's order dated 7.12.2000 and in the public notice the name of the company appeared at serial no. 389. The witness has stated that the company and the accused have not complied with the requirements of submitting the winding up and repayment report in format to the SEBI till date.

5. After the evidence was recorded, the statement of accused under Section 313 Cr.P.C was recorded in which the accused has admitted the evidence against him. He has pleaded for a lenient view.

6. There is no defence that has been raised to counter the evidence brought on record by the SEBI, which completely and conclusively establishes the violation of regulations no.68(1), 68(2) read with regulations 5(1), 73 and 74 of the SEBI Regulations, 1999 read with Section 12(1B) of the SEBI Act, 1992 and Section 11B of the SEBI Act, 1992 and Section 24(1) of the SEBI Act, 1992 read with Section 27 read with 1992. However, the learned counsel has

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submitted that the accused had suffered from depression and was still under treatment and that presently he was without employment. He has therefore, prayed for a lenient view submitting that the incapacity of the accused at the relevant time to discharge his functions may be considered, especially, since medical records have already been placed on the record.

7. Keeping in mind the history of mental health of the accused, who is otherwise fully capable of understanding the procedure of the Court and face trial and has made his statement voluntarily, a lenient view can be taken in this matter.

8. I accordingly convict the accused of the offence of violation of regulations no.68(1), 68(2) read with regulations 5(1), 73 and 74 of the SEBI Regulations, 1999 read with Section 12(1B) of the SEBI Act, 1992 and Section 11B of the SEBI Act, 1992 and Section 24(1) of the SEBI Act, 1992 read with Section 27 read with 1992 and sentence him to a fine of Rs.1,500/- in default of which he shall undergo SI for one month. His personal bond and surety bond are cancelled. Surety is discharged.



Announced in the Open Court.  
Dated: 12.5.06

*Sd/-*  
(ASHA MENON)  
ADDL. SESSIONS JUDGE:  
DELHI.

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