

Companies Act, 1956 , Section 630 – Whether an order could be made under Section 630(2) prior to final disposal of the complaint under Section 630(1)? – Where the Magistrate has found that prima facie the company has a right to possession of the disputed property, he may grant interlocutory relief under Section 630(2) prior to conclusion of the trial under Section 630(1) – Section 630 has to be given a liberal interpretation so as to facilitate expeditious recovery of the company's property – Given that the primary object of Section 630 is to provide a speedy mechanism for restoration of wrongfully withheld property to companies, we find that the provision should be construed as far as possible to facilitate a remedy in favour of the aggrieved company and to prevent the wrongful retention of the property for an unduly long period by the accused – Companies Act, 2013, Section 452.

Held, there is no stipulation in Section 630(2) that an order for delivery of wrongfully withheld property must be made only after the accused has been convicted under Section 630(1). Rather, it says the Court 'trying' the offence may direct the delivery of such property, which indicates that such an order may be passed at any stage by the trial court. This Court in *Baldev Krishna Sahi v. Shipping Corporation of India Limited*, (1987) 4 SCC 361 upon finding that a case under Section 630(1) was prima facie made out directed the petitioner therein to vacate the disputed premises during pendency of the substantive complaint under Section 630(1). Therefore in the present case, the courts below have not committed any error in allowing the appellant company's application under Section 630(2) during pendency of substantive criminal proceedings

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