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检察日报

经理玩忽职守 公司虚假出资

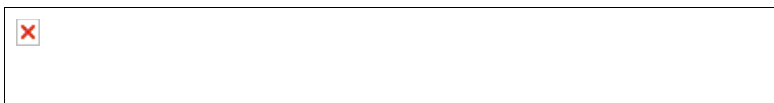
<http://www.sina.com.cn> 1999年11月5日 10:20 [检察日报](#)

本报讯: 由咸阳市检察院提起公诉的陕西省咸阳偏转集团公司原总经理兼党委书记杜庆松涉嫌玩忽职守罪、被告单位咸阳偏转集团公司及被告人杜庆松涉嫌虚假出资罪一案, 经咸阳市中级法院依法公开审理后, 已于日前作出一审判决: 被告单位咸阳偏转集团公司犯虚假出资罪, 判处有期徒刑22.9103万元; 被告人杜庆松犯玩忽职守罪, 判处有期徒刑三年零六个月, 犯虚假出资罪, 判处有期徒刑一年, 决定执行有期徒刑四年。

1995年, 杜庆松经人介绍, 结识珠海通利达旅游贸易发展有限公司的经理赵贤和(另案处理), 赵向杜宣称能与偏转集团合伙做进口小汽车生意。杜庆松在给咸阳偏转集团公司购买某国小汽车过程中, 严重不负责任, 不认真调查赵贤和及其所在单位的资信情况, 在公司派员赴南方考察后, 明知赵所讲的通关办法系违法行不通, 杜庆松仍决定与赵签订购销协议, 委托赵办理通关手续, 且将兑汇票、汇票开出后, 未采取相应防范措施, 致使2200万元人民币被骗而无法追回。

1995年7月, 被告单位咸阳偏转集团公司在与外商合资经营咸阳永新电子有限公司的过程中, 经被告人杜庆松策划决定, 违反《中外合资经营企业合资各方出资的若干规定》, 虚假出资92.4万美元, 作为外方投资, 妨害了国家对公司、企业的管理秩序, 造成了严重后果。

咸阳市中级法院经审理, 认为公诉机关指控被告单位咸阳偏转集团公司、被告人杜庆松犯虚假出资罪, 被告人杜庆松犯玩忽职守罪罪名成立, 于10月14日依法作出上述判决。(记者倪建军 通讯员郑华报道)



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Manager's Fraudulent Investment Dereliction of Duty

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From this Newspaper: From Xianyang City, Shaanxi province's prosecution Xianyang Deflection Group general manager and party secretary Du Qing Song was accused of dereliction of duty. Defendant unit Shenyang Deflection Group and defendant Du Qing Song was accused of conducting fraudulent investment schemes. The Xianyang Municipal Intermediate Court after the public hearing according to the law made a first instance verdict: Shenyang Deflection Group unit was found guilty of fraudulent investment schemes and sentenced to a fine of 22.9103 million yuan. The defendant Du Qing Song was sentenced to imprisonment for three years and six months for dereliction of duty and one year for fraudulent investment schemes. The court decided to implement a four year sentence.

In 1995, Du Qing Song perhaps through a middleman became acquainted with Zhuhai Tourism Trade Development Co., Ltd manager Zhao Xian. Zhao told Du that they could form a business partnership importing compact cars. Du Qing Song did not conduct adequate research on Zhao. Therefore, he did not see that Zhao's methods were illegal. He entrusted Zhao to complete the custom clearance formalities and bank drafts. The result was that 22 million was lost and unable to be recovered.

July 1995, defendant unit Shenyang Deflection Group engaged in a foreign joint venture Xianyang Yongxin Electronics Co. Ltd. Defendant Du Qing Song engineered this scheme and violated the "Sino-foreign joint venture party's provisions." False investment: conducted foreign investment of 924 thousand US Dollars damages to both countries parties.

Shenyang City Intermediate People's Court, after hearing the case of Shenyang Deflection Group and Du Qing Song's fraudulent investment schemes and Du Qing Song's offenses of dereliction of duty finds the defendants guilty of the aforementioned verdict on 10/14/1999. (Xinhua correspondent Zheng Hua Ni Jianjun)