

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 1520 OF 2014

Shri Shantanu Narayan Rooj & Anr. ... Petitioners.

V/s.

State of Maharashtra & Anr. ... Respondents.

WITH

CRI. WRIT PETITION NO. 373 OF 2014

Shri Girishchandra Ugresan Sahoo ... Petitioner.

V/s.

State of Maharashtra & Others ... Respondents.

WITH

CRI. WRIT PETITION NO. 374 OF 2014

Shantanu Narayan Rooj & Anr. ... Petitioners.

V/s.

State of Maharashtra & Others ... Respondents.

WITH

CRI. WRIT PETITION NO. 375 OF 2014

Shri Shantanu Narayan Rooj & Anr. ... Petitioners.

V/s.

State of Maharashtra & Others ... Respondents.

WITH

CRI. WRIT PETITION NO. 376 OF 2014

Shri Girishchandra Ugresan Sahoo ... Petitioner.

V/s.

State of Maharashtra & Others ... Respondents.

WITH

CRI. WRIT PETITION NO. 377 OF 2014

Shri Shantanu Narayan Rooj & Anr. ... Petitioner.

V/s.

State of Maharashtra & Others ... Respondents.

WITH

CRI. WRIT PETITION NO. 1380 OF 2014

Shri Shantanu Narayan Rooj ... Petitioner.

V/s.

State of Maharashtra & Others ... Respondents.

WITH

CRI. WRIT PETITION NO. 1381 OF 2014

Shri Shantanu Narayan Rooj ... Petitioner.

V/s.

State of Maharashtra & Others ... Respondents.

WITH

CRI. WRIT PETITION NO. 1382 OF 2014

Shri Shantanu Narayan Rooj ... Petitioner.

V/s.

State of Maharashtra & Others

... Respondents.

**WITH
CRI. WRIT PETITION NO. 1383 OF 2014**

Shri Shantanu Narayan Rooj

... Petitioner.

V/s.

State of Maharashtra & Others

... Respondents.

**WITH
CRI. WRIT PETITION NO. 1384 OF 2014**

Shri Shantanu Narayan Rooj

... Petitioner.

V/s.

State of Maharashtra & Others

... Respondents.

**WITH
CRI. WRIT PETITION NO. 1514 OF 2014**

Shri Shantanu Narayan Rooj & Anr.

... Petitioners.

V/s.

State of Maharashtra & Others

... Respondents.

**WITH
CRI. WRIT PETITION NO. 1515 OF 2014**

Shri Shantanu Narayan Rooj & Anr.

... Petitioners.

V/s.

State of Maharashtra & Others ... Respondents.

**WITH
CRI. WRIT PETITION NO. 1516 OF 2014**

Shri Shantanu Narayan Rooj & Anr. ... Petitioners.

V/s.

State of Maharashtra & Others ... Respondents.

**WITH
CRI. WRIT PETITION NO. 1517 OF 2014**

Shri Shantanu Narayan Rooj & Anr. ... Petitioners.

V/s.

State of Maharashtra & Others ... Respondents.

**WITH
CRI. WRIT PETITION NO. 1518 OF 2014**

Shri Shantanu Narayan Rooj & Anr. ... Petitioners.

V/s.

State of Maharashtra & Others ... Respondents.

**WITH
CRI. WRIT PETITION NO. 1519 OF 2014**

Shri Shantanu Narayan Rooj & Anr. ... Petitioners.

V/s.

State of Maharashtra & Others ... Respondents.

WITH
CRI. WRIT PETITION NO. 3733 OF 2014

Shri Shantanu Narayan Rooj & Anr. ... Petitioners.

V/s.

State of Maharashtra & Others ... Respondents.

Mr. A. P. Mundargi, Senior Counsel a/w Prasad Kumar Das
i/by Das Associates, for the Petitioners.

Mr. Ajay R. Patil, APP for the State.

Mr. M.G.Shukla, Advocate for the Respondent No.2.

CORAM : M.L.TAHALIYANI,J.
DATE : 09th APRIL, 2015

P.C. :

1 Admit all these petitions. By consent, heard finally
at the admission stage.

2 Heard learned senior counsel Mr. Mundargi for the
Petitioners, learned APP Mr. A. R. Patil for the State and
learned Advocate Mr. Shukla for Respondent No. 2.

3 The petitioners are facing trial for the offence
punishable under sections 138 of the Negotiable Instruments
Act with the aid of 141 of the said Act.

4 Though the Respondents (Original Complainants)
are different, the petitioners in all the petitions are the same.

There are two petitioners/applicants who are Directors and Finance Controller respectively of Accused No.1 - Glodyne Technoserve Limited having its office at Bandra Kurla Complex, Bandra (E), Mumbai-400 051. Loan was obtained through various bills of exchange from Sona Enterprises-the complainant for the Glodyne Technoserve Limited. Few cheques were issued in respect of each bill of exchange for repayment of the loan obtained by Accused no.1 from Respondent No.2 (complainant). The cheques issued were dishonoured by the bankers of Accused No.1. The Accused No.1 - Glodyne Technoserve Limited and other accused were served with the statutory notice. The payment did not come. After expiry of the statutory period, Respondent No. 2 (Complainant - Sona Enterprises) filed one complaint each for each dishonoured cheque. The petitioners/applicants are made accused in all the complaints.

5 The petitioners claim that they were not in-charge of the day-to-day business of the company/accused no.1 and that they were not responsible for the conduct of the day-to-day business of the company. Both of them had resigned from the Company/Accused No.1 prior to the date of issuance of the cheques in question.

6 As far as the resignation part is concerned, it is disputed by the learned counsel Mr.Shukla on behalf of

Respondent no.2. Learned counsel Mr. Mundagi has submitted that even if resignation part is not taken into consideration for the time being, the allegations made in paragraph nos. 3,4,5 and 6 of the complaint are not sufficient to describe the specific role of the petitioners/ applicants at the time of commission of the alleged offence. The learned counsel Mr. Shukla has brought to my notice that the role of the applicants has been described in the complaint in as much as it has been stated that the applicants were present when the loan was extended and that they had assured repayment within time. No doubt these averments are made in the complaints but these averments appear to be vague and bald allegations. There is no mention of place, time and date of presence of the applicants when they had assured for repayment. Admittedly the cheques were signed by the two other Directors and bills of exchange were also signed by the other Directors. There is no specific role assigned to the Petitioners / applicants in any of the complaints. Hence, the proceedings pending against the petitioners/applicants need to be quashed.

7 The proceedings pending against the petitioners/ applicants vide criminal cases mentioned in column-3 of the table below, pending in the courts mentioned in column-4 of the table below shall stand quashed.

1	2	3	4
Sr. No.	Writ Petition No.	Complainant Case No.	Trial Court.
1	1520/2014	1272/SS/2014	71 th Sewree
2	373/2014	2029/SS/2013	58 th Bandra
3	374/2014	1212/SS/2013	28 th Esplanade
4	375/2014	1534/SS/2013	28 th Esplanade
5	376/2014	2030/SS/2013	58 th Bandra
6	377/2014	1514/SS/2013	28 th Esplanade
7	1380/2014	2250/SS/2014	70 th Sewree
8	1381/2014	2251/SS/2014	70 th Sewree
9	1382/2014	2252/SS/2014	70 th Sewree
10	1383/2014	2253/SS/2014	70 th Sewree
11	1384/2014	2254/SS/2014	70 th Sewree
12	1514/2014	1278/SS/2014	71 st Sewree
13	1515/2014	1274/SS/2014	71 st Sewree
14	1516/2014	1277/SS/2014	71 st Sewree
15	1517/2014	1273/SS/2014	71 st Sewree
16	1518/2014	1275/SS/2014	71 st Sewree
17	1519/2014	1276/SS/2014	71 st Sewree
18	3733/2014	436/SS/2013	69 th Court Mazgaon

8 Bail bonds of the petitioners/applicants, if any, shall stand cancelled.

9 All the writ petitions are allowed in the above terms and are disposed of accordingly.

(JUDGE)