

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

**CRI. WRIT PETITION NO. 1874 OF 2015
WITH
CRI. WRIT PETITION NO. 1802 OF 2015
WITH
CRI. WRIT PETITION NO. 1803 OF 2015
WITH
CRI. WRIT PETITION NO. 1875 OF 2015
WITH
CRI. WRIT PETITION NO. 1876 OF 2015**

Mr. Tushar Dey

... Petitioner.
(Accused No.4)

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. Ashwin Thool a/w. Parag Sawant and Rupesh Karande
i/by M/s. Desai & Diwanji for Petitioner.

Mr. Rajesh More, A. P.P. for the State.

Mr. B. P. Pandey i/by Vikas B. Pandey for Respondent No.2.

CORAM : M.L.TAHALIYANI,J.

DATE : 18th JUNE, 2015

P.C. :

1 Heard the learned counsel appearing for the
Petitioner and the learned counsel appearing for Respondent
No.2.

2 Respondent No.2 does not dispute that the
Petitioner was not its' Director on the date of commission of
the alleged offence. However, the issue raised in the complaint

is that the petitioner was the Company Secretary and Legal Officer of the Company. He is being prosecuted in that capacity. Whether the Company Secretary and the Legal Officer can be prosecuted on the basis of the averments made in the complaint can be examined by the Sessions Court in the Revision Application. Therefore, this court is not inclined to entertain the present writ petitions.

3 All the above writ petitions are dismissed.

4 Liberty is given to the file Revision Application. Delay, if any, caused due to pendency of the present writ petitions shall be condoned by the trial court.

5 The proceedings before the trial court shall remain stayed for a period of 15 days.

(JUDGE)

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