

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

CRI. WRIT PETITION NO. 1877 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 petition. The companion petitions in this group are dismissed by a common order today.

3 This writ petition also stands dismissed.

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

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

(JUDGE)

.....