

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

**CRIMINAL WRIT PETITION NO. 2201 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 378 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 379 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 380 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 381 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 382 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 383 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 384 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 385 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 720 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 722 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 723 OF 2015
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CRIMINAL WRIT PETITION NO. 724 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 725 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 726 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 727 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 728 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 729 OF 2015**

WITH
CRIMINAL WRIT PETITION NO. 730 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 733 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1739 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2202 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2203 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2204 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2205 OF 2014

Mr. Girishchandra Ugresan Sahoo & Anr. ..Petitioners
V/s.

The State of Maharashtra & Ors. ..Respondents

WITH
CRIMINAL WRIT PETITION NO. 386 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 387 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 388 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 389 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 390 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 392 OF 2014
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CRIMINAL WRIT PETITION NO. 393 OF 2014
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CRIMINAL WRIT PETITION NO. 394 OF 2014
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CRIMINAL WRIT PETITION NO. 395 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 396 OF 2014

WITH
CRIMINAL WRIT PETITION NO. 397 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 721 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 731 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 732 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1665 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 1666 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 1667 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 1668 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 1669 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 1670 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2206 OF 2014
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CRIMINAL WRIT PETITION NO. 2207 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2208 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2209 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2210 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2211 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2212 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2213 OF 2014
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CRIMINAL WRIT PETITION NO. 2214 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 2215 OF 2014

WITH
CRIMINAL WRIT PETITION NO. 3734 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 3735 OF 2014
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CRIMINAL WRIT PETITION NO. 3736 OF 2014
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CRIMINAL WRIT PETITION NO. 3745 OF 2014
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CRIMINAL WRIT PETITION NO. 3746 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4791 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4792 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4793 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4794 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4795 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4796 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4797 OF 2014

**WITH
CRIMINAL WRIT PETITION NO. 4798 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4799 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4800 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4801 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4802 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4803 OF 2014
WITH
CRIMINAL WRIT PETITION NO. 4804 OF 2014**

Shantanu Narayan Rooj and Anr. ..Petitioners

V/s.

The State of Maharashtra & Ors. ..Respondents

Mr. A.P. Mundargi a/w Mr. Prasad K. Das for the petitioner.

Mr. M.G. Kulkarni for the respondent no. 2.

Mr. A.R. Patil, Addl. Public Prosecutor for State.

CORAM : M.L. TAHALIYANI, J.

DATE : 24TH APRIL 2015.

P.C.

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

2 Heard learned counsel Mr. Prasad K. Das 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. Das 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.

Sr. No	Criminal Writ Petition No.	Complaint Case No.	Trail Court	Name of Complainant
1	2201/2014	116/SS/2014	28th Court at Esplanade	Yogesh Tulsidas Shah (HUF)
2	1739/2014	235/SS/2014	28th Court at Esplanade	Abdullabhai Fidaalli & Co.
3	1670/2014	2029/SS/2013	58th Court at Bandra	Sona Enterprises
4	1669/2014	1961/SS/2013	58th Court at Bandra	Vraksham's Varkha
5	1668/2014	1962/SS/2013	58th Court at Bandra	Sona Enterprises
6	1667/2014	2031/SS/2013	58th Court at Bandra	Vraksham's Varkha
7	1666/2014	1960/SS/2013	58th Court at Bandra	Vraksham's Varkha
8	1665/2014	2030/SS/2013	58th Court at Bandra	Vraksham's Varkha
9	397/2014	1535/SS/2013	28th Court at Esplanade	Mustan T Kagalwala
10	396/2014	1207/SS/2013	28th Court at Esplanade	Mustan T Kagalwala
11	395/2014	1515/ss/2013	28th Court at Esplanade	Yogesh Tulsidas Shah
12	394/2014	1565/SS/2013	28th Court at Esplanade	Ashok Sah (H.U.F)
13	393/2014	1513/SS/2013	28th Court at Esplanade	Yogesh Tulsidas Shah
14	392/2014	1181/SS/2013	28th Court at Esplanade	Bipin Tulsidas Shah
15	390/2014	1203/SS/2013	28th Court at Esplanade	Yogesh Tulsidas Shah
16	389/2014	1532/ss/2013	28th Court at Esplanade	Yogesh Tulsidas Shah
17	388/2014	1418/ss/2013	7th Court at Bhiwada, Dadar	Kamlesh Lamba
18	387/2014	1179/SS/2013	28th Court at Esplanade	Ashok J Thawani
19	386/2014	1417/ss/2013	7th Court at Bhiwada, Dadar	Kamlesh Lamba
20	385/2014	1204/SS/2013	28th Court at Esplanade	Bipin T. Shah
21	384/2014	2004/SS/2013	28th Court at Esplanade	Sona Enterprises
22	383/2014	1180/ss/2013	28th Court at Esplanade	Nayan T. Shah HUF
23	382/2014	1202/SS/2013	28th Court at Esplanade	Ravison Stores Private Limited
24	381/2014	1961/SS/2013	58th Court at Bandra	Vraksham's Varkha
25	380/2014	1962/SS/2013	58th Court at Bandra	Sona Enterprises
26	379/2014	2031/SS/2013	58th Court at Bandra	Vraksham's Varkha
27	378/2014	1960/SS/2013	58th Court at Bandra	Vraksham's Varkha

Sr. No	Criminal Writ Petition No.	Complaint Case No.	Trail Court	Name of Complainant
28	2215/2014	257/SS/2014	28th Court at Esplanade	Mustan T Kagalwala
29	2214/2014	234/SS/2014	28th Court at Esplanade	Anjana Bipin Shah
30	2213/2014	233/SS/2014	28th Court at Esplanade	Anjana Bipin Shah
31	2212/2014	232/SS/2014	28th Court at Esplanade	Anjana Bipin Shah
32	2211/2014	99/SS/2014	28th Court at Esplanade	Yogesh Tulsidas Shah (HUF)
33	2210/2014	34/SS/2014	28th Court at Esplanade	Yogesh Tulsidas Shah (HUF)
34	2209/2014	33/SS/2014	28th Court at Esplanade	Ashok Sah (H.U.F)
35	2208/2014	32/SS/2014	28th Court at Esplanade	Harsh Yogesh Shah
36	2207/2014	31/SS/2014	28th Court at Esplanade	Mustan T Kagalwala
37	2206/2014	30/SS/2014	28th Court at Esplanade	Bipin T Shah HUF
38	2205/2014	120/SS/2014	28th Court at Esplanade	Nayan T. Shah HUF
39	2204/2014	119/SS/2014	28th Court at Esplanade	Nayan T. Shah HUF
40	2203/2014	118/SS/2014	28th Court at Esplanade	Yogesh Tulsidas Shah
41	2202/2014	117/SS/2014	28th Court at Esplanade	Raksha Narayan Shah
42	3741/2014	464/SS/2013	69th Court at Mazgaon	Ramchand Atrmaram Nagpal
43	3742/2014	450/SS/2013	69th Court at Mazgaon	Dilipkumar Atrmaram Nagpal
44	3743/2014	443/SS/2013	69th Court at Mazgaon	Dilipkumar Atrmaram Nagpal
45	3744/2014	453/SS/2013	69th Court at Mazgaon	Suresh Atrmaram Nagpal
46	3745/2014	437/SS/2013	69th Court at Mazgaon	Suresh Atrmaram Nagpal
47	3746/2014	451/SS/2013	69th Court at Mazgaon	Suresh Atrmaram Nagpal
48	3734/2014	452/SS/2013	69th Court at Mazgaon	Suresh Atrmaram Nagpal
49	3735/2014	438/SS/2013	69th Court at Mazgaon	Suresh Atrmaram Nagpal

Sr. No	Criminal Writ Petition No.	Complaint Case No.	Trail Court	Name of Complainant
50	3736/2014	463/SS/2013	69th Court at Mazgaon	Suresh Atrmaram Nagpal
51	3737/2014	465/SS/2013	69th Court at Mazgaon	Dilipkumar Atrmaram Nagpal
52	3738/2014	442/SS/2013	69th Court at Mazgaon	Dilipkumar Atrmaram Nagpal
53	3739/2014	455/SS/2013	69th Court at Mazgaon	Ramchand Atrmaram Nagpal
54	3740/2014	454/SS/2013	69th Court at Mazgaon	Ramchand Atrmaram Nagpal
55	4791/2014	3287/SS/2014	70th Court at Mazgaon	Atrmaram Ramchand Co.
56	4792/2014	3288/SS/2014	70th Court at Mazgaon	Atrmaram Ramchand Co.
57	4793/2014	3291/SS/2014	70th Court at Mazgaon	Atrmaram Broking Co. Pvt Ltd
58	4794/2014	3286/SS/2014	70th Court at Mazgaon	Atrmaram Ramchand Co.
59	4795/2014	3285/SS/2014	70th Court at Mazgaon	Atrmaram Ramchand Co.
60	4796/2014	3284/SS/2014	70th Court at Mazgaon	Atrmaram Ramchand Co.
61	4797/2014	697/SS/2014	70th Court at Mazgaon	Atrmaram Broking Co. Pvt Ltd
62	4798/2014	3283/SS/2014	70th Court at Mazgaon	Atrmaram Ramchand Co.
63	4799/2014	3292/SS/2014	70th Court at Mazgaon	Atrmaram Broking Co. Pvt Ltd
64	4800/2014	3293/SS/2014	70th Court at Mazgaon	Atrmaram Broking Co. Pvt Ltd
65	4801/2014	3294/SS/2014	70th Court at Mazgaon	Atrmaram & Sons
66	4802/2014	3295/SS/2014	70th Court at Mazgaon	Atrmaram & Sons
67	4803/2014	3296/SS/2014	70th Court at Mazgaon	Atrmaram & Sons
68	4804/2014	3297/SS/2014	70th Court at Mazgaon	Atrmaram & Sons
69	724/2015	108/SS/2014	58th Court at Bandra	Kavita Berry

Sr. No	Criminal Writ Petition No.	Complaint Case No.	Trail Court	Name of Complainant
70	725/2015	109/SS/2014	58th Court at Bandra	Prem B Jagasia
71	726/2015	110/SS/2014	58th Court at Bandra	Deepika Samant
72	727/2015	111/SS/2014	58th Court at Bandra	Deepika Samant
73	728/2015	203/SS/2014	58th Court at Bandra	Deepika Samant
74	729/2015	204/SS/2014	58th Court at Bandra	Golden Gate Bridge
75	730/2015	205/SS/2014	58th Court at Bandra	Om Investments
76	731/2015	330/SS/2014	58th Court at Bandra	Kavita Sanjeev Berry
77	732/2015	331/SS/2014	58th Court at Bandra	Kamlesh Lamba
78	733/2015	332/SS/2014	58th Court at Bandra	Pranav Bhatt
79	720/2015	104/SS/2014	58th Court at Bandra	Vraksham's Varkha
80	721/2015	105/SS/2014	58th Court at Bandra	Vraksham's Varkha
81	722/2015	106/SS/2014	58th Court at Bandra	Vraksham's Varkha
82	723/2015	107/SS/2014	58th Court at Bandra	Dutch Dividends

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)