

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

CRIMINAL WRIT PETITION NO. 3656 OF 2015

Bharat Banka

.. Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Ms. Sonia Sunil for the petitioner

Mr. Ranjan Dwivedi for respondent no.2

Mr. J.H. Ramugade, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 22nd SEPTEMBER, 2015.**

P.C.

1. Heard learned Counsels for the respective parties.
2. The petitioner is the original accused no.12 in C.C. No.1900/SS/2014, pending on the file of learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai filed under Section 138 of the Negotiable Instrument Act.
3. The petitioner has stated that he has resigned on 16th October, 2012 and now he is no more associated with GEI

Industrial System Ltd. since the date of his resignation. The petitioner claims that he was the independent non-executive Director of GEI Industrial System Ltd. i.e. accused no.1 company and is not liable to be prosecuted under Section 138 of the N.I. Act.

4. The learned Counsel for the respondent no.2 upon instructions, submits that he does not wish to proceed and prosecute the petitioner – accused no.12 in C.C. No.1900/SS/2014, pending on the file of learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai.

5. In view of the statement made, petition is allowed. The proceedings in respect of C.C. No.1900/SS/2014 pending before the learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai are quashed qua the petitioner i.e. original accused no.12.

(ANUJA PRABHUDESSAI, J.)

Certificate

Certified to be true and correct copy of the original signed
judgment / order.