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

**CRIMINAL APPLICATION NO. 1231 OF 2014
WITH
CRIMINAL APPLICATION NO. 1232 OF 2014
WITH
CRIMINAL APPLICATION NO. 1233 OF 2014
WITH
CRIMINAL APPLICATION NO. 1234 OF 2014
WITH
CRIMINAL APPLICATION NO. 1235 OF 2014
WITH
CRIMINAL APPLICATION NO. 1236 OF 2014**

M/s. Ganesh Benzoplast Ltd. and Ors.

Applicants

Versus

M/s. State Trading Corporation of India
Limited and Ors.

Respondents

Ms. Racheeta Dhuru for the applicants.

Mr. Benny Joseph, Mr. Anirudha Lad i/by BJ Law Officers LLP for
respondent no. 1.

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

**CORAM : M.L. TAHALIYANI, J.
DATED : JULY 23, 2015**

P.C.

Admit. Heard finally.

2. Heard learned counsel for the petitioner and learned A.P.P. for the

State.

3. The applicant is facing trial for the offence punishable under section 138 of the Negotiable Instruments Act in all six cases before the Metropolitan Magistrate. He had filed revision applications challenging the order of issuance of process against him, which have been dismissed. The case of the applicant before the Sessions Court was that there was no legally enforceable liability.

4. The applicant is commission agent and places orders to respondent no.1 for the foreign buyers. The credit facility was given upto 120 days. It was agreed that if the amount is not received by the respondent no. 1 within the period of 120 days, security cheques given by the applicant would be deposited in the account of respondent no. 1. It is an admitted position that the foreign buyers had not paid the money and therefore, cheques have been deposited. It was the case of the applicant before the Sessions Court that the foreign buyers cancelled the orders and therefore, the goods could not be shipped. In my opinion, respondent no. 1 cannot be made to suffer for the same. These are the issues on facts which are required to be examined and decided by the trial court. This court under section 482 of Code of Criminal Procedure, can not travel to that extent. There is no substance in the applications. The applications are dismissed. Ad interim orders if any stand vacated. The trial court shall not get influenced by the observations made in the present order.

(JUDGE)