

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 144 of 2016

Smt. Sadhna Nivsarkar aged about 41 years, W/o Shri Santosh Nivsarkar, R/o 738, Sindhiya Nagar, SAF Line, Near Kalibadi Temple, Durg, Tahsil and District Durg, (Chhattisgarh)

---- Appellant

Versus

1. Advise Solution Private Limited, Jagdish Ujala's House, Ujala Bhavan, Station Road, Santra Badi Durg, 491001 Chhattisgarh, India.
2. Smt. Bhagyashri S. Modak.
3. Shri Shrikant D. Modak.
4. Shri Santanu S. Modak.
5. Ku. Dhanshri Modak.

Respondent No. 2 to 5 Directors M/s. Advice Solutions Private Limited, Jagdish Ujala's House, Ujala Bhavan, Station Road, Santa Badi, Durg, 491001 Chhattisgarh India.

Respondent No. 2 to 5 Resident of Shankar Sadan, 219, Vidyut Nagar, Behind Dwivedi Complex, Durg, Tahsil and District Durg, Chhattisgarh.

6. Smt. Krishna Sharma W/o Shri Sachin Sharma, Resident of 7/2, South Tukoganj, Behind Hotel Belwas, Indore, Madhya Pradesh.

---- Respondents

For Appellant	: Shri V.G.Tamaskar, Advocate.
For Respondents 2 to 5	: Ms. Sunita Jain Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

CAV Judgment

Per Navin Sinha, Chief Justice

29/03/2016

1. The present appeal arises from a common order dated 4.2.2016 disposing Writ Petition (Cr.) No. 3730 of 2011 and analogous writ petitions including Writ Petition (Cr.) No.4737 of 2011 from which the present appeal arises.
2. The Appellant had assailed the institution of separate complaint cases against

her under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate First Class, Indore and the consequent summons issued for appearance. The grounds of challenge were common that she was not a Director in the Company and had nothing to do with the cheques issued and that enquiry ought to be ordered into the affairs of the Company.

3. Writ Petition (Cr.) No.4744 of 2011 assailed the summons issued in Complaint case No. 10672 of 2011 giving rise to the order dated 16.3.2016 in Writ Appeal No. 143 of 2016 preferred by the Appellant. In Writ Petition (Cr.) No.4737 of 2011 giving rise to the present appeal the challenge was to the institution of Complaint case No. 10673 of 2011 and the summons issued.
4. There is no occasion for us to pass any other order than that dated 16.3.2016 in Writ Appeal No. 143 of 2016.
5. It is ordered accordingly.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE