

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.343 OF 2015**

Mr. Kashi Vishwanathan & Ors. Applicants

Vs.

The State of Maharashtra Respondents
& Ors.

Mr. Himanshu Pradhan i/by Crawford Bayley & Co., Advocate
for the Applicants.

Mr. S.R. Agarkar, APP for the State.

Mr. Ramesh Jain, Advocate for Respondent no.2

Coram : Smt. R.P. SondurBaldota, J.

Date : 4th January, 2017

P.C.

1 This application filed under Section 482 of Criminal Procedure Code is directed against the order of issuance of process dtd. 7th June, 2014 passed by the learned Magistrate in the proceedings under Section 138 Negotiable Instruments Act. Applicants no. 1 and 2 challenge the order on the ground that they were no more directors of accused no.1- Company at the time the liability under the cheque arose. Mr. Jain, the learned advocate for respondent no.2, considering the dates of resignation from directorship by applicants no. 1 and 2 of 10th April, 2012 and 8th April, 2006 makes a statement that respondent no.2 withdraws complaint against applicants no.1 and 2.

2 As regards applicants no. 3 and 4, Mr. Pradhan appearing for them submits that the complaint is devoid of even the basic mandatory averments. According to him, it is not stated in the complaint that applicants no. 3 and 4 were concerned with the day-today affairs of the company. Perusal of the complaint shows that the averments made in para 2 thereof are sufficient to comply with the provisions of law. Therefore, it cannot be said that there are no averments in the complaint for issuance of process against applicants nos. 3 and 4.

3 The application is disposed off by accepting the statement made on behalf of respondent no.2 that respondent no.2 deletes applicants no.1 and 2 from the complaint and the application as by applicants no. 3 and 4 is dismissed.

(Smt. R.P. SondurBaldota, J.)