

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 645 OF 2015
IN
COMPANY PETITION NO. 281 OF 2013

SICOM Limited

**..... Applicant/
Third Party**

IN THE MATTER OF

M/s.Avadh Mercantile Company Limited

..... Petitioner

VERSUS

The Official Liquidator, High Court, Bombay

..... Respondent

None for the Applicant.

Ms.Krishna Kedia, i/b. Khaitan & Co. for the Petitioner in the Company Petition.

Mr.Mahendhar Aithe, Company Prosecutor for the Official Liquidator present.

CORAM : R.D. DHANUKA, J.

DATE : 20th JANUARY, 2017

P.C.

None appeared for the applicant when the matter was called out. The application is opposed by the learned company prosecutor on the ground that no leave under section 446(1) of the Companies Act, 1956 is required for prosecuting a criminal complaint filed under section 138 of the Negotiable Instrument Act, 1881 against the company in liquidation and its directors. Statement is accepted.

2. Company application is accordingly dismissed. It is made clear that the applicant can proceed with such complaints filed under section 138 of the Negotiable Instrument Act, 1881 against the respondent company in liquidation and against ex-directors.

3. It is made clear that the presence of the Official Liquidator in those criminal proceedings is dispensed with. The applicant is however directed to inform about the progress of the said matter to the Official Liquidator every six months.
4. Application is disposed of in the aforesaid terms. No order as to costs.

(R.D.DHANUKA, J.)