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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION******CRIMINAL APPLICATION NO.515 OF 2019
(FOR LEAVE)***

Dr. Vijaysinha Vasantao Pawar	..Applicant.
V/s.	
Branch Manager & Anr.	..Respondents.

Mr.Sarang S. Aradhye for the applicant.

Mr.Jitendra Sirsagar for respondent No.1.

Mr.S.V.Gavand, APP for the respondent-State.

CORAM : NITIN W.SAMBRE, J.***DATE : DECEMBER 6, 2019*****P.C. :-**

Heard Mr.Sarang Aradhye, learned for the applicant at length and Mr.Jitendra Sirsagar for respondent No.1-bank.

2. Perused the application for grant of leave to appeal.

3. The application came to be dismissed by the learned Magistrate on the ground that the complainant has not taken further steps.

4. Perused the complaint. When confronted on the issue of maintainability of the complaint as the accused shown in the complaint is not an individual who can be convicted and

sentenced to undergo imprisonment. Mr.Aradhya has tried his level best to convince and persuade this Court that the Court can impose fine on the accused.

5. The post of the Bank Manager cannot be termed as a juristic person so as to convict and recover fine.

6. The offence ought to have been directed against an individual who has committed such act, as has been alleged.

7. As such, the complaint itself is misdirected. That being so, leave stands refused.

8. At this stage, Mr.Aradhya, learned counsel for the applicant seeks liberty to initiate fresh proceedings against the person who is responsible for commission of the alleged offence.

9. If law permits, it is open for the applicant to take out fresh proceedings (in accordance with law).

(NITIN W.SAMBRE, J.)