

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3264 OF 2019

Mrs. Madhuri Salunke – Patil : Petitioner.
Versus
ED&F Man Commodities India Pvt. Ltd
and another : Respondents.

Mr U P Bobade i/by Mr. J H Ramugade for the Petitioner.
Mr. Vikram Ajit Jakhadi i/by Vis Legis Law Practice for Respondent No.1.
Mrs. M R Tidke, APP for the Respondent/State.

CORAM : S. S. SHINDE, J
DATE : 03rd October 2019

PC.

1 Heard the learned counsel for the Petitioner and Respondent No.1.
The learned counsel for the Petitioner invites attention of this Court to Form No.DIR-12 (Exhibit-B), which is on page No.30 of the compilation of the Writ Petition, and submits that the Petitioner resigned as director of the company on 04/08/2017 and the subject cheque has been issued on 19/12/2017 and therefore it cannot be said that the Petitioner was responsible for day-to-day affairs of the company on the date on which the subject cheque has been issued.

2 The learned counsel appearing for the first Respondent submits that since the first Respondent was not aware that the Petitioner has resigned as director of the company or Form No.DIR-12 was not noticed and/or was in

possession of the first Respondent, the Petitioner is arraigned as accused in the complaint. He fairly submits that if the Petitioner has already been resigned as director of the company before issuance of subject cheque, in that case, the complaint cannot be proceeded against the Petitioner.

3 The learned counsel for the contesting Respondent does not dispute Form No.DIR-12 (Exhibit B). In the light of the aforesaid statement made by the learned counsel for the contesting Respondent, and keeping in view Form No.DIR-12 (Exhibit-B) on page 30 of the compilation of Writ Petition, the Writ Petition deserves to be allowed and is accordingly allowed in terms of prayer clause (b). The Writ Petition is accordingly disposed of.

Laxmikant
G.
Chandan

Digitally signed
by Laxmikant
G. Chandan
Date:
2020.01.21
11:59:40 +0530

[S. S. SHINDE , J]