

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 743 OF 2019

Seven Seas Chickens

...Applicant

Versus

Kiran Poultry & Breeding Farm Pvt. Ltd. & Anr.

...Respondents

.....

Mr.Deepak R.Kushwaha for the Applicant.

Mr.N.B.Patil, APP for Respondent No.2-State.

.....

CORAM : S.S.SHINDE J.

DATE : 08 JULY 2019

P.C.:

1. The learned Counsel appearing for the applicant submits that respondent No.1 was not authorized to file a complaint on behalf of the firm. He therefore submits that since the complaint itself is not filed by an authorized person, the order of issuance of process passed by the learned 28th CJSD and ACJM, Pune on 21.07.2018 deserves to be quashed and set aside. In support of aforesaid contentions, learned Counsel placed reliance on the ratio laid down in the case of **Ashok Bampto Pagui vs. Agencia Real Canacona Pvt. Ltd.**¹

¹ 2007 (6) Mh. L.J.94

2. Upon hearing learned Counsel appearing for the applicant and upon perusal of the pleadings and grounds taken in the Application, and judgment passed by the Sessions Court, Pune, it is an admitted fact that the cheque was signed by the applicant, whether respondent No.1 was authorized to file the complaint or otherwise can be considered by the learned Magistrate at the appropriate stage.

3. For the aforesaid reasons, Criminal Application stands disposed of.

(S.S.SHINDE, J.)