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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO. 459 OF 2018**

Schreiber Dynamix Dairies Limited

....Applicant.

V/s

Mr. Chandrashekhar Bhanudas Tarange  
and Anr.

.... Respondents.

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Mr. Jagdish Chaudhary a/w Ranvir Shekhawat i/b M/s. Raj Legal for  
the Applicant.

Mr. Amit A. Karande for Respondent No.1.

Mr. V.V. Gavand, APP for Respondent No.2/State.

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**CORAM: NITIN W. SAMBRE, J.**

**DATE: DECEMBER 2, 2019**

**P.C.:-**

**1]** Respondent No.1 – Accused is acquitted of an offence punishable  
under Section 138 of the Negotiable Instruments Act.

**2]** The learned Counsel for the Applicant would submit that the  
acquittal is based on technical ground, as the Company has delegated  
powers including the power of initiation and contest of the complaint  
under Section 138 of the said Act to any other nominee.

**3]** Submissions are, even if further delegation is not proved, the

said defect is technical one and can be cured by remanding the matter.

4] A support is drawn from the Judgment of the Apex Court in the matter of *Haryana State Cooperative Supply and Marketing Federation Limited vs. Jayram Textiles and Another*<sup>1</sup>. In the aforesaid judgment of the Apex Court, what is noticed is, even though there was a Resolution, same was not produced and as such, the Apex Court granted an opportunity by remanding the matter. However, in the case in hand, though a Resolution was produced, it was not established through the evidence that the person, who was authorized by virtue of Resolution of the Company, has delegated the authority to the representative of the complainant.

5] If such a major defect is accepted to be a technical one and in case if a prayer for remand is accepted, same will amount to permitting the Applicant to fill-in the lacuna. In the aforesaid background, order of acquittal appears to be just and proper. Hence, leave is refused.

( NITIN W. SAMBRE, J. )

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<sup>1</sup> (2014) 4 SCC 704