

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.9024 of 2014

ORDER :

The petitioner is the accused in C.C.No.295 of 2014 on the file of the XII Special Magistrate, Yerramanzil, Hyderabad taken cognizance for the offence punishable u/ sec.138 r/ w 142 of the Negotiable Instruments Act, on the private complaint of the 2nd respondent. A perusal of the cheque shows it is issued for N.K.Theatres Private Limited in the name of the complainant. The N.K.theatres Private Limited is not made as accused. Though it is a Company registered under the Companies Act by issue of Form 1 Certificate of Incorporation with Corporate Identity Number U92120AP 2011 PTC073302 of 2010-11 by the Deputy Registrar of Companies.

Once the company is not made as a party, the question of vicarious liability even for the Managing Director of the Company does not arise including u/ sec.141 of the NI Act, and the law is fairly settled from the expression of the Apex Court in **Aneeta Hada vs M/S Godfather Travels & Tours¹**.

Having regard to the above, the very complaint is not maintainable., thereby the cognizance taken is unsustainable.

Accordingly, the Criminal Petition is allowed by setting aside the cognizance order in C.C.No.295 of 2014 on the file of the XII Special Magistrate, Yerramanzil, Hyderabad and the accused is acquitted and his bail bonds shall stand cancelled. Consequently, miscellaneous petitions, if any, pending shall stand closed.

Dr. B.SIVA SANKARA RAO J,

Date: 01.02.2019

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¹ 2012 5 SCC 661