

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.360 OF 2020

Sandeep s/o. Madhukar Sonkul ... **Petitioner**

Versus

The State of Maharashtra & Anr. ... **Respondents**

.....

Mr.Yogesh G. Somani, Advocate for the Petitioner.

Mr.S.V.Gavand, the Additional Public Prosecutor for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 4th MARCH 2020.

P.C. :

1 Heard the learned Counsel appearing for the petitioner.

He submits that except bald allegations, there is nothing in the application to infer culpability of the petitioner, who happens to be accused No.3.

2 Perused complaint. Paragraph 1 of the complaint itself makes it clear that the petitioner/accused No.3 is responsible for day to day affairs of the accused No.1 Company. It is also averred that the petitioner/accused No.3 shares profit earned by the accused No.1 Company.

3 In this view of the matter, there is sufficient ground for proceedings against the petitioner/accused No.3 for the offence punishable under Section 138 of the Negotiable instruments At, 1881.

4 Reliance is placed on the Judgment of the Honourable Apex Court in the matter of *S.M.S. Pharmaceutical Ltd. Versus Neeta Bhalla*.¹ I have perused the Judgment cited.

5 In the matter of *A.K.Singhania v. Gujarat State Fertilizer Co. Ltd.*², the Honourable Apex Court made it clear that in case of offence by Company to bring its Directors within the mischief of section 138 of the Negotiable Instruments Act, 1881, it is only necessary to allege that they were in-charge and responsible for conduct of the Company. No particular form is necessary and it is not necessary to reproduce the words of Section 141 of the Negotiable Instruments Act, 1881.

1 (2007) 4 Supreme Court Cases 70.

2 AIR 2014 SC 71.

6 In this view of the matter, no case for interference is made out. The petition is therefore dismissed.

(A.M.BADAR, J.)