

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1805 OF 2019
WITH
CRIMINAL APPLICATION NO.1806 OF 2019
WITH
CRIMINAL APPLICATION NO.1807 OF 2019
WITH
CRIMINAL APPLICATION NO.1808 OF 2019
WITH
CRIMINAL APPLICATION NO.1809 OF 2019**

Dilipkumar Atmaram Nagpal ... **Applicant**
Versus
Varun Industries Limited & Anr. ... **Respondents**

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Mr.M.G.Shukla, Advocate for the Applicant.

Mr.S.V.Gavand, the Additional Public Prosecutor for the Respondent/State in APL/1805/2019, APL/1807/2019 and APL/1809/2019.

Mr.R.M.Pethe, the Additional Public Prosecutor for the Respondent/State in APL/1806/2019 and APL/1808/2019.

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CORAM : A.M.BADAR J.

DATED : 10th JANUARY 2020.

P.C. :

1 Heard the learned Counsel appearing for the applicant.
He submits that the accused Company has gone into liquidation

and, therefore, it is necessary to add the liquidator in a proceeding of trial for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. He further argued that in the event if the offence is held to be proved, then the fine amount will have to be paid by the liquidator and, therefore, the presence of the Liquidator is necessary. I have considered the submissions so advanced and also perused the impugned Order.

2 The application for joining the Official Liquidator as accused No.1 came to be rejected by the learned learned trial Court with the reasons Order. I do not see any infirmity in the impugned Order. The Official Liquidator is concerned with the winding up of the Company under direction and supervision of the concerned Court. He is not liable for any criminal liability of the Company which might have arisen prior to initiation of proceedings of winding up of Company. Therefore, it cannot be said that the presence of Official Liquidator as a party respondent is necessary in the proceedings for trial of offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3 The applications are, as such, devoid of merit and the same are, therefore, rejected.

(A.M.BADAR, J.)