

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (APL) No. 555 of 2021

[Mr. Sandeep Hasurkar and ors. ..vs.. M/s N. N. Global Merchantile Pvt. Ltd. Through its authorized officer Mr. Sanjay H. Pandey, AGM (Accountant and Finance), R/o Chandrapur]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. R. Deshpande, Advocate for the applicants
Mr. S. S. Dewani, Advocate for non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 07-09-2021

The applicants are invoking inherent power seeking quashment of the order of issuance of process in complaint initiated under Section 138 of the Negotiable Instruments Act (Act).

2. In view of the affidavit in response filed on record by the original complainant, it would not be necessary to note the facts in detail. Suffice it to note that the complainant has now taken a stand that since the applicants claim to be nominee directors, who are not responsible for day to day affairs of the company, the complainant has no objection if the proceedings are quashed *qua* the applicants. However, the complainant points out that the complaint is pending since the last

three years and the mandate of the Act is a decision in six months.

3. In view of the common ground that the applicants are nominee directors, who are not in-charge of the company, order of issuance of process for offence punishable under Section 138 of the Act dated 7-2-2020 in Summary Criminal Case 3265/2018 rendered by Judicial Magistrate First Class, Court 8, Chandrapur is quashed, qua the applicants. It is clarified that the complaint shall proceed against the other accused.

4. In view of the mandate of the provisions of the Act, the trial Court is requested to conclude the trial as expeditiously as possible, and in any event, within next twelve months.

5. The application is disposed of in aforesaid terms.

JUDGE