

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 273 OF 2020

Mohd. Arshad Shaikh

..APPLICANT

VERSUS

M/s Bihani Agro Industries Pvt. Ltd.
and Others

..RESPONDENTS

....
Mr. A.G. Talhar, Advocate h/f Mr. P.S. Gaikwad, Advocate for applicant
....

**CORAM : R.G. AVACHAT, J.
DATED : 31st JANUARY, 2022**

PER COURT :

1. The challenge in this application under Section 482 of Code of Criminal Procedure is to the order of taking cognisance of the offence under Section 138 of the Negotiable Instruments Act and issuance of process pursuant thereto. The applicant herein is Accused No.4 in Summary Criminal Case No. 500 of 2017.

2. Heard learned counsel for the applicant. Perused the application. Gone through the complaint.

3. Accused No.1 is a company incorporated under Companies Act, 1956. Accused Nos. 2 to 5, including the applicant herein, are the directors

of the said company. It has been specifically averred in the complaint that all of them were in-charge of and responsible for day-to-day affairs, conduct and management of the business of the company. The applicant herein was also served with demand notice. The trial Court had issued the process way back in April 2017. The said order has been taken exception to in present application in January 2020 i.e. after little over two and half years of issuance of process. Although this application was filed in January 2020, it was effectively taken up before this Court only on the last date.

4. From the averments in the complaint, the trial Court has rightly issued the process against the applicant herein. This Court is not inclined to even issue notice in the matter. Whatever may be the case of the applicant herein would be in the nature of defence to be considered by the trial Court.. Criminal application is, therefore, dismissed.

(R.G. AVACHAT, J.)

SSD