

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1250 OF 2022

Devendra Dang ... Petitioner

V/s.

The State of Maharashtra & Anr. ... Respondents

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Mr. Gautam Ankhad i/by Mr. Tushar Gujjar, Deep
Madnani, & Karan F. i/by SL Partners for respondent
no.2.

Mr. A.R. Patil, APP for respondent/State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 15, 2023

PC.:

1. The writ petition is directed against order dated 21st October 2021 passed by the learned Metropolitan Magistrate 33rd Court, Ballard Pier, Mumbai directing petitioner (director) to pay 20% of the cheque amount towards interim compensation in exercise of powers under section 143A of the Negotiable Instruments Act, 1881 (hereafter “NI Act”, for short). The cheques are issued by accused nos.1 and 2/companies. Undisputedly, the petitioner is a director of accused nos.1 and 2/companies.

2. For the reasons stated in judgment dated 8th March 2023 in a group of matters, lead matter being Criminal Application No.886 of 2022, this Court has already held that the authorized signatory

of a cheque issued by the accused/company in a proceeding under section 138 of the NI Act cannot be directed to pay interim compensation under section 143A of the NI Act as such authorized signatory is not “drawer” within the meaning of section 143A of the NI Act.

- 3.** Drawing the same analogy, the petitioner being director and not the “drawer”, no order under section 143A of the NI Act could have been passed against the director.
- 4.** In that view of the matter, the writ petition succeeds.
- 5.** Rule is made absolute in terms of prayer clauses (b) and (c).
- 6.** No costs.

(AMIT BORKAR, J.)