

GRM

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

CRIMINAL INTERIM APPLICATION NO. 4068 OF 2022

IN

CRIMINAL APPLICATION NO. 516 OF 2018

Kulkarni Constructions Pvt. Ltd. ... Applicant

V/s.

M/s. Atrey Promoters and Builders &
Ors. ... Respondents

Mr. Hassnain R. Sayyed, Adv. for the Applicant.

Mr. A. G. Patil, APP for the State/Respondent.

CORAM : R. G. AVACHAT, J.

DATED : JANUARY 6, 2023

P.C. :

1. Heard.

2. This application has been moved for bringing on record the legal heirs of Director of the Company, which had filed the complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short "**NI Act**"). The respondent was convicted by the Trial Court for the offence punishable under Section 138 of NI Act. He is in revision before this Court taking exception to the order of his conviction.

3. The revision needs to be taken to its logical conclusion since the Director, who was representing the complainant company in the complaint, passed away and those who are sought to be brought on record, are said to be the Directors of original

complainant company. The application, therefore, deserves to be allowed. The same is, therefore, allowed in terms of prayer clause (a).

4. Leave to amend the application forthwith.
5. Application stands disposed of.

(R. G. AVACHAT, J.)