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

**CRIMINAL APPLICATION NO.1205 OF 2022
WITH
CRIMINAL APPLICATION NO.1208 OF 2022
WITH
CRIMINAL APPLICATION NO.1207 OF 2022**

Lyka Labs Ltd & Ors.

... Applicants

V/s.

The State of Maharashtra & Anr.

... Respondents

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Mr. Aabad Ponda, Senior Advocate with Mr. Bhomesh Bellian i/by Mr. Jugal Kanani for the applicant.

Mr. A.R. Patil, APP for respondent no.1/State.

Mr. Jatin P. Shah with Ms. Snehankita M. Munj and Ms. Shraddha Kamble for respondent no.2.

CORAM : AMIT BORKAR, J.

DATED : MARCH 15, 2023

PC.:

1. The applicants who are original accused nos.1 to 3 are challenging order under section 143A of the Negotiable Instruments Act, 1881 (hereafter “NI Act”, for short) directing applicants to deposit 20% of the amount of cheque.

2. In so far as case of applicant nos.2 and 3 is concerned, this Court by order dated judgment dated 8th March 2023 in a group of matters, lead matter being Criminal Application No.886 of 2022 held that authorized signatory of a cheque issued by company is

not drawer in terms of section 143A of the NI Act. For the reasons stated in the said order, it has to be held that applicant nos.2 and 3 being directors of applicant no.1/company cannot be directed to pay amount under section 143A of the NI Act.

3. In so far as applicant no.1 is concerned, the applicant being drawer no fault can be found with the order passed by the learned Magistrate.

4. The criminal applications are, therefore, dismissed *qua* applicant no.1 only.

5. All the criminal applications are allowed in terms of prayer clause (b) *qua* applicant nos.2 and 3.

(AMIT BORKAR, J.)