

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

CRIMINAL WRIT PETITION NO. 2569 OF 2024

Slesha Ghosh	...	Petitioner
Versus		
M/s Concretech India And Anr.	...	Respondents

.....

Mr. Santosh Thakur, for the Petitioner.

Mr. Y. Y. Dabke, for Respondent No.2-State.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 1st JULY, 2024.

P.C.

Heard learned Counsel for the petitioner-original accused
No.8.

2 At the outset, learned Counsel invites my attention to certain glaring discrepancies in the proceedings initiated by the complainant under Section 138 of the Negotiable Instruments Act, 1881, before the Judicial Magistrate First Class, Belapur.

3 It is submitted that the complaint in question came to be filed on the basis of a statutory notice dated 20th February, 2023 in which

the petitioner is not a noticee, in the sense, accused. Prima facie, it appears that the complainant has suppressed the first notice dated 4th February, 2023 which is at page No. 89, on the basis of which, cause of action arose to file a complaint under Section 138 of the Negotiable Instrument Act.

4 Para 3 of the complaint also reveals that the petitioner was a previous whole time Director of accused No.1-Company wherein the cheques in question were issued. Learned Counsel also submits that the petitioner had already been thrown out of the company on 12th December, 2022 whereas the cheques in question came to be issued subsequently on 09/01/2023, 10/01/2023 and 11/01/2023. Prima facie, there seems to be some substance in what has been stated by the learned Counsel.

5 Despite due service, none appears for respondent No.1.

6 In view of the aforesaid facts and circumstances, there shall be ad-interim relief in terms of prayer clause (b) which shall operate till 30th July, 2024.

7 List on 30th July, 2024.

[PRITHVIRAJ K. CHAVAN, J.]