



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

14 CRIMINAL WRIT PETITION NO. 948 OF 2019

NAGNATH BAPURAO SALUNKE

VERSUS

BHAGWAT S/O. PANDURANG PRABHALE AND ANR

None for the parties.

CORAM : KISHORE C. SANT, J.
DATE : 22.08.2025

PC :-

01. This petition is filed in 2019. Since then no effective order is passed, neither this petition is being circulated. Earlier Advocates who filed petition, have been discharged.

02. The challenge in the petition is to an order dated 19.08.2016 passed by the Additional Sessions Judge, Beed in Cri. Application No. 13 of 2017, by which an order of issuance of process came to be set aside. The process is issued in SCC No. 1064 of 2016 by the learned JMFC, Beed. Further prayer made is to re-open the complaint. The complaint was filed under section 138 of the Negotiable Instruments Act.

03. This Court has gone through the judgment in Cri. Revision Application No. 13 of 2017. The learned Sessions Court has allowed the

revision mainly on the ground that the complaint is lodged against a company – Nathkrupa Cotton Industries LLP. In the complaint filed under section 138 of the NI Act, the company is not made party. In view of section 141 of the NI Act, the learned Sessions Court held that no complaint is maintainable only against a Director/Partner without adding the company/legal entity as a party. It is also observed that the notice of demand was also served only on accused and not on the company. The learned Session Judge relied upon judgment in the case of **Anita Hada Vs Godfather Travels and Tours Pvt. Ltd., (2012) 5 SCC 651.**

04. The learned Sessions Judge has rightly passed order. From the complaint it is seen that the allegation is that cotton was sold to a company in the name of Nathkrupa Cotton Industries LLP. Said Nathkrupa Cotton Industries LLP is not a party. This Court does not find any merit in the petition.

05. This Criminal Writ Petition stands dismissed.

[KISHORE C. SANT, J.]