

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2309 OF 2024

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Suhrid Roy

...Petitioner

V/s.

The State of Maharashtra and Anr.

...Respondents

WITH
CRIMINAL WRIT PETITION NO.2087 OF 2024

Anil Pankaj Singh

...Petitioner

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr.Tanvir Kazi i/b. Mr.Apporv Shrivatava:-	Advocate for Petitioners.
Ms.Sangeeta D. Shinde:-	APP for Respondent No.1 -State.

CORAM : S. M. MODAK, J.

DATE : 29th JULY 2025

P. C. :-

1. Heard learned Advocate for the Petitioners / Accused Nos.4 and 5 in a private complaint filed before the then Metropolitan Magistrate – Ballard Pier – Mumbai. The offence is under Section 138 of the Negotiable Instruments Act, 1881 (“**NI Act**”).

2. After hearing the learned Advocate for the Petitioners, what I find is the grounds of attack relates to the averments in the Complaint, the documents which are annexed to the Complaint and the documents which ought to have been filed, but not filed. These grounds of attack can be dealt with by the Court of Additional Sessions Judge.

3. He invited my attention to the averments in Para No.8 of the Complaint. It refers to Additional Supplementary Memorandum of Understanding of different dates. The contention is these documents are not filed. The Petitioners are at liberty to request the Sessions Court to pass necessary observations when Revision is heard.

4. He invited my attention to a **Board Resolution** dated 30th May 2017 passed by the Accused No.1. According to the Petitioners, this Resolution does not support the case of the Complainant that these Petitioners are involved in the day to day activities. Further contention is the averments in the Complaint are falling short to attract the provisions of Section 141 of NI Act. Further contention is they are also not signatory to the cheque. Certainly the Court of Additional Sessions Judge can look into all these grievances. Hence liberty granted to

withdraw these Petitions. They are disposed of as withdrawn. Liberty granted to approach the Court of Additional Sessions Judge – Greater Mumbai by way of Revision. If there is delay in filing of the Revision, the Petitioners can certainly pray for condonation of delay because these Petitions are pending. It be considered positively.

[S. M. MODAK, J.]