



\$~89

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 8948/2023&CRL.M.A. 33473/2023 (Stay)**

AKRITI MAHAJAN

.....Petitioner

Through: Mr. Vishal Arun Mishra and Ms.
Rupali Panwar, Advocates.

versus

POWER@SME PVT. LTD. AND ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

%

17.01.2025

1. This hearing has been done through hybrid mode.
2. Notice issued to the respondents has come back unserved. Learned counsel appearing on behalf of the petitioner submits that the petitioner was a non-executive independent Director of the accused company and had no role with regard to the day to day affairs of the company. It is pointed out the similar petitions between the same parties are pending before this Court wherein the proceeding *qua* the present petitioner have been stayed. An order dated 19.12.2024 has placed on record passed in CRL.REV.P.(NI) 83/2024, 84/2024, 85/2024, 86/2024, 87/2024 and 88/2024, the order reads as under:

**“CRL.M.A. 38308/2024 in CRL.REV.P.(NI) 83/2024
CRL.M.A. 38310/2024 in CRL.REV.P.(NI) 84/2024 CRL.M.A.
38312/2024 in CRL.REV.P.(NI) 85/2024 CRL.M.A.
38314/2024 in CRL.REV.P.(NI) 86/2024 CRL.M.A.
38316/2024 in CRL.REV.P.(NI) 87/2024 CRL.M.A.
38318/2024 in CRL.REV.P.(NI) 88/2024 (Exemption)
Exemptions allowed subject to just exceptions.**



The applications stand disposed of.

**CRL.REV.P.(NI) 83/2024, CRL.REV.P.(NI) 84/2024,
CRL.REV.P.(NI) 85/2024, CRL.REV.P.(NI) 86/2024,
CRL.REV.P.(NI) 87/2024, CRL.REV.P.(NI) 88/2024**

Present petitions have been filed challenging the impugned orders dated 19.04.2018

Learned counsel submits that the petitioner was a non-executive independent Director of M/s Allied Strips Limited and has been implicated despite having no executive role, involvement, or knowledge of the company's financial transactions. Learned counsel further submits that the petitioner was appointed as a symbolic director on 01.4.2017 without any remuneration and formally resigned on 05.01.2018. Learned counsel submits that mere designation as a Director does not lead to liability under Section 138 of Negotiable Instruments Act. Reliance has been placed upon **SMS Pharmaceuticals v. Neeta Bhalla and Anr.** Appeal (crl.) 664 of 2002 and **Saroj Kumar Poddar v. State (NCT of Delhi)** Appeal (crl.) 70 of 2007. It has further been submitted that the petitioner was not a signatory.

Issue notice to the respondent through all permissible modes, returnable for 04.04.2025.

CRL.M.A. 38307/2024 in CRL.REV.P.(NI) 83/2024 CRL.M.A. 38309/2024 in CRL.REV.P.(NI) 84/2024 CRL.M.A. 38311/2024 in CRL.REV.P.(NI) 85/2024 CRL.M.A. 38313/2024 in CRL.REV.P.(NI) 86/2024 CRL.M.A. 38315/2024 in CRL.REV.P.(NI) 87/2024 CRL.M.A. 38317/2024 in CRL.REV.P.(NI) 88/2024

Issue notice to the respondent through all permissible modes, returnable for 04.04.2025.

Learned counsel for the petitioner submits that since the petitioner was not a signatory and merely being a non-independent and non-executive director had a limited role. Learned counsel further submits that the impugned order was under challenge in the Rev.Pet. (NI) 77/2024 where the proceedings have been stayed qua the petitioner till the next date of hearing.

Issue notice to the respondent through all permissible modes, returnable for 04.04.2025.

In the meanwhile the proceedings qua the petitioner shall remain stayed till the next date of hearing.”



3. In the present case also, it is pointed out that the petitioner was appointed as an independent Director on 01.04.2017 and had resigned on 05.01.2018. The cheques issued in question was dishonoured on 31.01.2018.
4. In view of the above, the proceeding *qua* the present petitioner before the learned Trial Court shall remain stayed till the next date of hearing.
5. List on 21.05.2025.
6. Order be uploaded on the website of this Court *forthwith*.
7. Copy of this order be sent to the concerned learned Trial Court for necessary information and compliance.

AMIT SHARMA, J

JANUARY 17, 2025/bsr

Click here to check corrigendum, if any