IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 1603 of 2022

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MAHESHKUMAR VRAJLAL PATEL (MAHESHKUMAR BACHUBHAI PATEL)

Versus

SHUBH COTTON THROUGH PARAGKUMAR VAGHJIBHAI MATARIYA

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Appearance:
MR DINESH B PATEL(3495) for the Applicant(s) No. 1
MR HB CHAMPAVAT(6149) for the Applicant(s) No. 1,2,3 for the Respondent(s) No. 1,2
MR RONAK RAVAL, APP for the Respondent(s) No. 2

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CORAM:**HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI**

Date : 10/02/2022

ORAL ORDER

Heard learned advocate Mr. H. B. Champavat for the applicants. It is mainly contended that the present applicants – original accused are the Directors of Rajeshwari Cotspin Ltd. It is further submitted that present respondent No.1 – complainant has filed complaint under Section 138 of the Negotiable Instruments Act against the present applicants before the concerned Magistrate Court. It is further submitted that complainant has not joined the company as an accused and even before filing of the impugned complaint, notice under Section 138 of N.I.Act was not issued to the company. Learned advocate has placed reliance upon the decision rendered by the Hon'ble Supreme Court in the case of ***Aneeta Hada v. Godfather Travels and Tours Pvt. Ltd.***, reported in ***(2012) 5 SCC 661.*** It is submitted that

issue involved in the present application is squarely covered by the aforesaid decision.

In view of the aforesaid submissions, issue notice to the respondents returnable on 27.06.2022. Learned APP waives service of notice for the respondent - State. Till the next date of hearing, ad-interim relief in terms of para 10(c).

(VIPUL M. PANCHOLI, J)

LAVKUMAR J JANI