

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 5709 of 2024**

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RAMESH JOITARAM PATEL

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR PRIT U SHAH(11054) for the Applicant(s) No. 1

MS NIDHI M SHETH(11043) for the Applicant(s) No. 1

PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**Date : 24/02/2025****ORAL ORDER**

Learned advocate Ms. Nidhi Sheth appearing for the applicant submits that the applicant herein is the original accused in the proceedings instituted by the private respondent under Section 38 of the Negotiable Instruments Act. She further submits that the applicant is the partner of LLP, and at the time of registration of the Complaint, the said Company has not been made a party to the proceedings, and it is now well settled as held in catena of decisions that in the proceedings under Section 138 of the N.I. Act in respect of the transaction with the firm or the company, the Company is also required to be joined as the party, and without joining the LLP as the party in the present proceedings, the order issuing process against the applicant is illegal, unjust, erroneous and against the settled principle of law.

Considering the above, issue Notice making it returnable on 22.04.2025.

Till then, let there be an ad-interim order in terms of Para-12(C).

Direct service is permitted.

VAHID

(DIVYESH A. JOSHI,J)