

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO.11255 of
2024

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SURESHKUMAR DWARKADAS BANNATWALA

Versus

STATE OF GUJARAT & ANR.

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Appearance :

MR SARVASWA R CHHAJER for the Applicant.

MR BHARGAV PANDYA, APP for the Respondent No.1.

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 09/09/2024

ORAL ORDER

1. Learned Advocate, Mr. Chhajer, appearing for the petitioner pointed out from the impugned complaint that there is no specific allegation or averment made, so far as the present petitioner is concerned. It was submitted that the present petitioner, who is aged about 76 years, is a Non-Executive Director.

2. Learned Advocate, Mr. Chhajer, placed reliance on the decision of the Hon'ble Apex Court rendered in the case of **Sunita Palita and others Vs. Panchami Stone Quarry, reported in (2022) 10 SCC 152** and more particularly the observations made in Paragraph-45 thereof and submitted that merely stating that a person is in charge of a company and is connected with the day-to-day affairs of a company, it will not fulfill the requirement of Section 141 of the Negotiable Instruments Act. It was, therefore, submitted that considering the fact that the petitioner was a Non-Executive Director as well as his age, he may be granted

protection.

3. **Notice returnable on 19.11.2024.** Learned APP waives service for the Respondent - State. In the meantime, there shall be ad-interim-relief in terms of Paragraph - 28 (B) qua present petitioner only. Direct service through the concerned police station is permitted.

(NIRZAR S. DESAI,J)

SAVARIYA