

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 12643 of 2024**

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SURESHKUMAR DWARKADAS BANNATWALA

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR SARVASWA R CHHAJER(12626) for the Applicant(s) No. 1

MR ROHAN SHAH, PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 27/09/2024****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 nonexecutive director.

1.1 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.

2. Notice, returnable on 19th November, 2024. Learned APP waives service for the Respondent-State.

2.1 In the meantime, there shall be ad-interim-relief in terms of Paragraph-30(B) qua present petitioner only.

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(NIRZAR S. DESAI,J)