



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.75 OF 2022

C. T. Sadanandan & Ors. ...Petitioners
Versus
R. S. Mane & Anr. ...Respondents

Mr. Amit Desai, Sr. Advocate a/w Mr. Ashish Bhan, Ms. Chitra Rentala,
Ms. Aastha Kulshresta and Mr. Pranay Kamdar i/b Trilegal for the
Petitioners

None for the Respondent No. 1

Mr. S. S. Pednekar, A.P.P for the Respondent No.2–State

CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
THURSDAY, 20th JANUARY 2022

P.C. :

1 Heard learned counsel for the petitioners.

2 By this petition, the petitioners have impugned the order dated
14th October 2021 passed by the learned Metropolitan Magistrate, 16th
Court at Ballard Pier, Mumbai, issuing summons to the petitioners.



3 Learned senior counsel for the petitioners has submitted that no offence as alleged is made out *qua* the petitioners. Learned senior counsel has tended a compilation of judgments in support of his submission that in the absence of any provision laid down under the Statute, the director of a company or an employee cannot be held vicariously liable for any offence committed by the employer. The said compilation is taken on record. Learned senior counsel for the petitioners further submits that even under sub-clause (2) of Clause 42 of 2002 Scheme, there is no provision of vicarious liability. He submits that under the circumstances, the complaint as against the petitioners was not maintainable.

4 Issue notice to the respondents, returnable on 1st March 2022. Learned A.P.P waives notice on behalf of the respondent No.2-State. In addition to Court notice, petitioner to serve the respondent No. 1 by Advocate's notice and file an affidavit of service before the returnable date.

5 In the meantime, till the next date, the proceedings before the trial Court *qua* the petitioner is stayed.

REVATI MOHITE DERE, J.