

**FARAD CONTINUATION SHEET  
THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE SIDE JURISDICTION  
REVISION APPLICATION NO.289 OF 2014**

**Devang Dinesh Master** .....Applicant.  
**V/s.**  
**The State of Maharashtra & Anr.** .....Respondents.

**Ms. Rekha Singala, advocate for Applicant.**  
**Mr. J.H.Ramugade, APP for the State.**  
**None for respondent no.2.**

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 27<sup>th</sup> OCTOBER, 2015.**

**P.C.:**

The applicant herein is accused in CC No.3693/SS/2005 pending on the file of Special Metropolitan Magistrate, Small Causes Court, Bombay under Section 138 of the Negotiable Instruments Act, 1881. By judgment dated 23.2.2011, the applicant has been held guilty of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo S.I. till rising of the Court and to pay fine of Rs.1,51,000/- in default to undergo S.I. for 30 days. The Criminal Appeal No.218 of 2011 filed against the said order came to be dismissed by judgment dated 4.7.2014. Aggrieved by the said order, the applicant has preferred this revision.

2           The learned counsel for the applicant has stated that vicarious liability is sought to be fastened against the applicant for the offence committed by the accused-company. She has submitted that the applicant had resigned much before issuance of the cheque.

3           With the assistance of the learned counsel for the applicant, I have perused judgment as well as Form No.32 which is placed on record.

4           In my considered view, arguable points are raised. None present for the respondent no.2 though duly served. Therefore, Rule.

(ANUJA PRABHUDESSAI, J.)