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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1012 OF 2017**

Sakshi Mohan Agarwal ..Applicant
Vs.
State of Maharashtra & Ors. ..Respondents

BHALCHANDRA
GOPAL
DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2026.04.10
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Mr. P.V. Dubey, Advocate for Applicant.
Mr. B.B. Kulkarni, APP for Respondent-State.
Mr. Jatin P. Karia (Shah) a/w Snehankita Munj, Shraddha Kamble for
Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 9th APRIL, 2026.

P.C. :

1. The challenge in this Application is to the Order dated 9th April 2015 below Application Exhibit-47 passed by learned Metropolitan Magistrate, 6th Court (Mazgaon), at Sewree, Mumbai.
2. It is the contention of the learned Counsel for the Applicant that the Respondent No.2 filed complaint against M/s Devbhumi Telefilms (P) Ltd. and other Directors for the offence under Section 138 read with 141 of the Negotiable Instruments Act (for short "NI Act"). Learned counsel further submitted that Accused No.2, 4 and 6 were dropped by Respondent No.2. During pendency of this Application, the Applicant had filed Affidavit before the Magistrate Court for getting certified copies of the documents of

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the said complaint. On the basis of said Affidavit, i.e. Exhibit-44, learned trial Court has passed under Section 319 of Code of Criminal Procedure (for short "Cr.PC.") to pass order and added the Applicant as Accused in the said complaint. Learned Counsel further submitted that the Applicant had resigned from the Directorship of the said Company on 20th May 2006 whereas cheque was issued on 20th August 2006. Form No.32 supports the contention of the Applicant, but this fact is not considered by the learned Magistrate and had passed order erroneously and requested to allow the Application.

3. It is contention of the learned Counsel for Respondent No.2 that the Applicant was Director of Accused-Company since its inception. The Applicant in her affidavit has admitted that she was Director of the said Company. Being Director she is liable for liability. The learned Magistrate had passed the order, no interference is required and requested to reject the Application.

4. I have heard both learned counsel. Perused impugned Order. While passing the order, the learned Magistrate has observed that as per Section 141 of NI Act, Director is responsible for the act committed by the Company. The Applicant had filed Affidavit before the Magistrate Court, i.e. Exhibit-44. In the said Affidavit, she has admitted that she was Director of the Accused-Companyh hence, he directed to add the Applicant as

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Accused.

5. It appears from the documents i.e. Exhibit-32 produced on record. Applicant ceased to be Director of the Accused-Company on 20th May 2006 whereas cheque was issued on 20th August 2006. Moreover, in the Affidavit Exhibit-44, the Applicant has stated that I myself and on behalf of the Director, the learned Magistrate has misunderstood the word “I myself ” and wrongly came to the conclusion that the Applicant was the Director of the Accused-Company, which is erroneous.

6. Hence, I pass following order:

ORDER

- (i) The Application is allowed.
- (ii) The impugned Order passed below Exhibit-47 by the learned Magistrate is quashed and set aside.

(SHIVKUMAR DIGE, J.)