

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 208 OF 2006

OM PRAKASH AGRAWAL

Appellant (s)

VERSUS

STATE OF WEST BENGAL & ANR.

Respondent(s)

(With appln(s) for stay and office report)

WITH APPEAL(CRL) NO. 209 of 2006

(With appln(s) for stay and office report)

APPEAL(CRL) NO. 210 of 2006

(With appln(s) for stay and office report)

APPEAL(CRL) NO. 211 of 2006

(With appln(s) for stay and office report)

APPEAL(CRL) NO. 212 of 2006

(With appln(s) for stay and office report)

APPEAL(CRL) NO. 213 of 2006

(With appln(s) for stay and office report)

APPEAL(CRL) NO. 214 of 2006

(With appln(s) for stay and office report)

APPEAL(CRL) NO. 215 of 2006

(With appln. for stay, prayer for interim relief and office report)

APPEAL(CRL) NO. 216 of 2006

(With appln(s) for stay and office report)

APPEAL(CRL) NO. 217 of 2006

(With appln. for c/d in refiling SLP and stay and exem. from filing OT and with office report)

Date: 03/08/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s)

Mr. Jayant Bhushan, Sr. Adv.

Mr. R.K.Khanna, adv.

Mr. Sanjay Mishra, Adv.

Mrs A.Sharma Bhardwaj, Adv.

Mr. Rakesh K. Sharma, Adv.

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For Respondent(s)

Mr. Tara Chandra Sharma, Adv.

Ms. Ruby Singh Ahuja, Adv.

UPON hearing counsel the Court made the following

O R D E R

Crl.A.Nos. 208, 209, 210, 211, 212, 214 and

216

of 2006 are allowed and Crl.A.No. 217 of 2006 is

disposed of in so far as

the appellant Om Prakash

Agrawal is concerned.

Crl. A.No.217 of 2006 is disposed of in respect

of the appellant Om Prakash Arawal.

So far as other

appellants are concerned, the appeal is adjourned.

Cr1.A. Nos. 213 and 215

of 2006 are adjourned

for 8 weeks.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 208

OF 2006

OM PRAKASH AGRAWAL

..

APPELLANT(S)

vs.

STATE OF WEST BENGAL & ANR.

..

RESPONDENT(S)

CRIMINAL APPEAL NOS. 209-217

OF 2006

O R D E R

Ms. Ruby Singh Ahuja, the learned counsel for the complainant states that she had got in touch with the instructing counsel who had further got in touch with the complainant but she has no instructions in the matter.

It appears to be the conceded position that the appellant herein-Om Prakash Agrawal had resigned from his position as Director on the 18th December, 1997 and Form 32-A had been submitted to the Registrar of the Companies thereafter, and even passed by the said official on the 23 rd April, 1999. We also see that as the cheque had been issued in the year 2000, the appellant could not be held liable for any offence under Section 138 of the Negotiable Instruments Act. We therefore find that the proceedings against the appellant before us cannot be allowed to proceed.

We accordingly allow the appeal, set aside the order of the High Court and direct that the complaint qua the appellant be dismissed.

Accordingly Criminal appeal Nos. 208, 209-212, 214 and 216 of 2006 are allowed in the same terms. CrI.A.No. 217 of 2006 is also disposed of in so far as the appellant Om Prakash Agrawal is concerned.

Criminal appeal Nos. 213 and 215 of 2006 are adjourned for eight weeks.

.....J.
(HARJIT SINGH BEDI)

.....J.
(GYAN SUDHA MISRA)

New Delhi,
August 3, 2011.