

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 19823/2025

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 01-10-2025
IN CRWP NO. 251/2025 PASSED BY THE HIGH COURT OF JUDICATURE AT
BOMBAY AT NAGPUR]

ABHAYKUMAR ANANDKUMAR BHAMBORE & ANR. PETITIONER(S)

VERSUS

ORTHO RELIEF HOSPITAL AND RESEARCH CENTRE & ANR. RESPONDENT(S)
FOR ADMISSION

Date : 16-04-2026 This petition was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. Nitin Bhardwaj, AOR

For Respondent(s) : Mr. Saahil Dewani, Adv.
Mr. Shakul R. Ghatole, Adv.
Mr. Shyam Dewani, Adv.
Mr. Vatsalya Vigya, AOR
Mr. Sachet Makhija, Adv.
Mr. Dashang Doshi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Briefly stated, the facts of the case are that the petitioners/accused took a loan of Rs. 15,00,000/- from respondent No.1/complainant, and allegedly repaid the amount through a post-dated cheque dated 12.12.2018. The cheque was signed by petitioner No.1 in his capacity as a director and authorized signatory of respondent No.2 company (of which petitioner No.2 herein is also a

director). This cheque was dishonoured on 14.12.2018. On 18.02.2019, respondent No.1 filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act'). This was registered as S.C.C. No. 7281/2019.

On 08.04.2019, an order of liquidation was passed against the respondent No.2 company (accused No.1). The petitioners subsequently filed an application for discharge, which was allowed by the Trial Court by order dated 31.01.2025. The Trial Court observed that since the petitioners had lost their positions as directors of the respondent No.2 company post liquidation, they could not be liable.

Aggrieved, respondent No.1 filed Criminal W.P.No.251/2025 before the Bombay High Court, Nagpur Bench. By the impugned order dated 01.10.2025, the High Court allowed the Writ Petition observing that liability under S.138 of the NI Act would subsist despite the initiation of proceedings under the Insolvency and Bankruptcy Code, 2016. The order discharging the petitioners was quashed and set aside. Aggrieved, the petitioners have preferred the present Special Leave Petition.

We have heard learned counsel for the petitioners and learned counsel for the respondents at length.

We do not find any reason to interfere with the impugned order.

Special Leave Petition is hence, dismissed.

It is needless to observe that all other contentions

on both sides are left open to be advanced before the trial court.

Pending application(s), if any, shall stand disposed of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)