

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6119 of 2017
and
Crl MP.Nos.4554 and 4555 of 2017

Vis-Ram Financial Services P. Ltd.,
Rep. by its Authorized Person, Mr.Rajender Kumar,
D-1, Srishti Crescendo,
No.24, Desika Road,
Mylapore,
Chennai - 600 004. ... Petitioner/Complainant

Vs.

1.V. Rajendran

2.R. Sathish Raj ... Respondents/Accused 1 & 2

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 21.02.2017 passed in Crl.M.P. No.2842 of 2016 in C.C.No.62 of 2016 on the file of the Court of Additional Chief Metropolitan Magistrate (E.O.I), Egmore, Chennai and allow the said petition.

For Petitioner : Mr.Prakash Goklaney

For Respondents : No appearance

सतयतो जयते
O R D E R

This petition has been filed seeking to set aside the order dated 21.02.2017 passed in Crl.M.P. No.2842 of 2016 in C.C.No.62 of 2016 on the file of learned Additional Chief Metropolitan Magistrate (E.O.I), Egmore, Chennai.

2. The petitioner's requests to substitute the earlier director of the company namely, V. Gopal, authorised person of the company was rejected by the Trial Court, on the ground that the company is not functioning and hence, the authorized person representing the company has no loco standi. The said decision has been taken based on the objections raised by the accused 1 & 2.

3. I am unable to comprehend as to how the accused can be prejudiced, if the earlier director of the company is substituted with the present authorised person.

4.Furthermore, whether the company is functioning or not is a matter to be determined, during the course of trial. In my view, the Trial Court may not be justified in accepting the submission of the accused and rejecting the claim.

5. In view of the same, the order dated 21.02.2017 passed in CrI.M.P.No.2842 of 2016 in C.C.No.62 of 2016 on the file of learned Additional Chief Metropolitan Magistrate (E.O.I), Egmore, Chennai is set aside. Consequently, Rajender Kumar, authorised person of the petitioner's company is substituted in the place of V. Gopal in the complaint in C.C.No.62 of 2016.

6.With the above observation and directions, the Criminal Original Petition stands allowed. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nl/aav
To

1.The Additional Chief Metropolitan Magistrate (E.O.I),
Egmore, Chennai

2.-do-thro The Chief Metropolitan Magistrate,
Egmore, Chennai.

+2cc to Mr.Prakash Goklanley, Advocate SR.No.80886

CrI.O.P.No.6119 of 2017

GJ(CO)
SM:24.11.2017

सत्यमेव जयते

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