

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2381 of 2017

1. M/s. Essaarkay Forex Pvt. Ltd.,
G4, Nelson Plaza, New No.90,
Old No.149, Nelson Manickam Road,
Choolaimedu, Chennai -600 094
Rep. by Mr.M.Sekar (Director)
2. Mr.M.Sekar,
Director, M/s. Essaarkay Forex Pvt. Ltd.,
Residing at Plot No.160 B,
5th Cross Street, Govindarajapuram,
Guduvancherry - 603 202.
3. Mrs. P.Seethalakshmi,
W/o. Mr.M.Sekar,
Director, M/s. Essaarkay Forex Pvt. Ltd.,
Residing at No.160 B, 5th Cross Street,
Govindarajapuram,
Guduvanchery- 603 202,
Chengalpattu District.
4. Mr.K.Ramesh Babu,
S/o V.Kesava Rao,
Director, M/s. Essaarkay Forex Pvt. Ltd.,
Residing at No.1, Nainiappan Street,
Mannady, Chennai 600 001.
5. Mrs.R.Dhanalakshmi,
W/o. Mr.K.Ramesh babu,
Director, M/s. Essaarkay Forex Pvt. Ltd.,
Residing at No.1, Nainiappan Street,
Mannady, Chennai - 600 001. Petitioners

Vs

M/s.Weizmann Forex Ltd.,
rep. by B.Suresh Kumar,
No.39/45, Montieth Road,
Egmore, Chennai - 600 008.

... Respondent

Criminal Original Petition filed under Section 482

Cr.P.C. to set-aside the order dated 05.10.2016 made in M.P.No.2746 of 2016 in C.C.No.7246 of 2014 on the file of the Fast Track-II, Metropolitan Magistrate, Allikulam, Chennai and order recall P.W.1 in C.C.No.7246 of 2014.

For Petitioners : Mr.J.Nandagopal

ORDER

The criminal original petition has been filed to set-aside the order passed by the learned Metropolitan Magistrate, Fast Track-II, Allikulam, Chennai.

2. It is the case of the petitioners that they have filed a petition under Section 311 Cr.P.C to recall P.W.1 for further cross-examination on the ground that while cross examination of P.W.1, important questions and suggestions were not put to him. The respondent/complainant has filed a counter stating that P.W.1, who was working in the company left out the company as early as on 10.06.2016 and his whereabouts is not known to the respondent/complainant. In the above circumstances, the learned Metropolitan Magistrate, dismissed the application stating that since the whereabouts of P.W.1 is not known, summons could not be served on him, however, liberty was given to the petitioner to renew the application as soon as the whereabouts of P.W.1 is found out. Challenging the same, the petitioners have come up with the present petition.

3. Since the whereabouts of P.W.1 not known no purpose will be served by allowing the petition, However, the Metropolitan Magistrate has granted liberty to renew the application. In the above circumstances, I find no irregularity in the order passed by the Court below. Hence, I am not inclined to interfere with the order of the Court below.

4. In the result, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

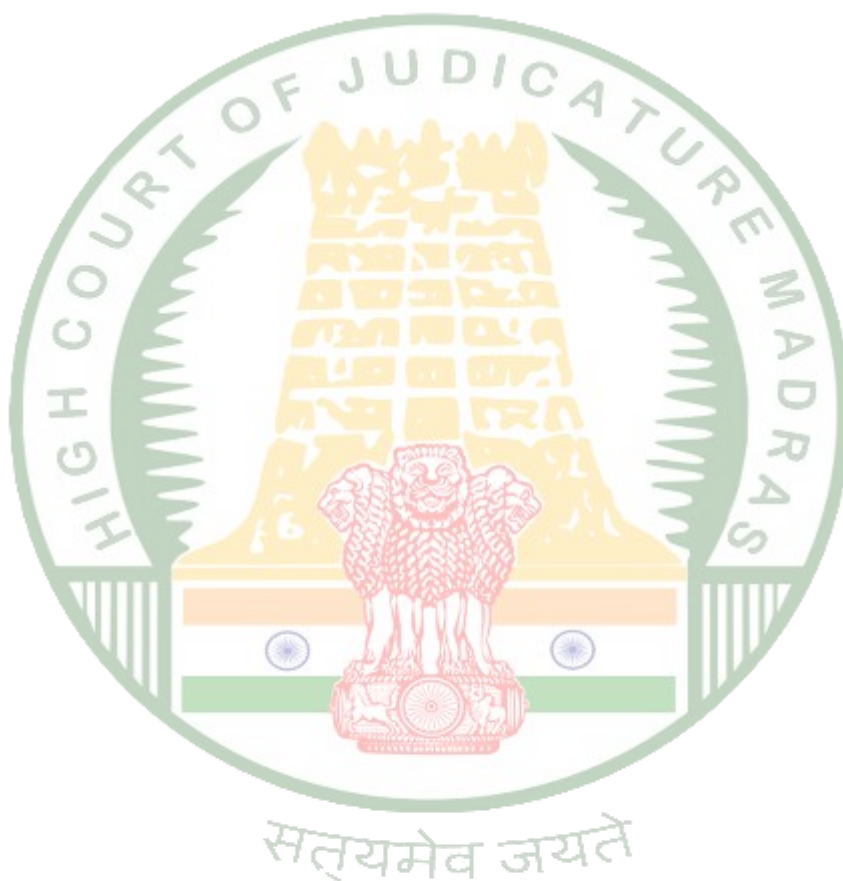
The Metropolitan Magistrate,
Fast Track-II,

Allikulam, Chennai.

+1cc to Mr.J. Nandagopal, Advocate SR. 7280

Crl.O.P.No.2381 of 2017

KSJ(CO)
VR(21/02/2017)



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