

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.01.2017

Coram

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.27567 of 2016

and

Crl.M.P.No.14070 of 2016

1.Sharon Solutions Limited

represented by its Managing Director,
Having Office at No.520, M.K.N.Road,
Alandur, Chennai-600 016.

2.Kamal Raj Johnson, Managing Director
M/s. Sharen Solutions Ltd

3.Hephzibha Joybell Director M/s. Sharar Solutions Ltd
RR2,3, at 48/13 Thomas Nagar, Little Mount, Saidapet, Chennai 15

4.Agnes

Director and Head and operations M/s. Sharan Solutions Ltd
at 5.20 Mr. K.N. Road, Alandur, Chennai 16

.. Petitioners/Accused

Vs.

Fed Ex Trade Networks Transport & Brokerage Pvt. Ltd.,
Unit No.708, 7th Floor,
215, Atrium "A" Wing,
Andheri Kurla Road,
Andheri East,
Mumbai-400 069, Maharashtra.

Having its Branch Office at:

Fed Ex Trade Networks Transport & Brokerage Pvt. Ltd.,
Unit No.3, 1st Floor (Rear), Palani Centre,
32, Venkatanarayana Road,
T.Nagar, Chennai-600 017.

through its authorised representative

Mr.C.P.Jaiganesh,

Branch Manager

. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C to set aside the order dated 09.12.2016 in Cr.M.P.No.5408 of 2016 in C.C.No.3241 of 2014 passed by the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.

For Petitioners: Mr.N.Chandrasekaran
For Respondent : Mr.N.Anand Venkatesh

ORDER

Challenging the order dated 09.12.2016 passed by the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai in Crl.M.P.No.5408 of 2016 in C.C.No.3241 of 2014, the present Criminal Original Petition came to be filed.

2.The petitioners are the accused in C.C.No.3241 of 2014 on the file of the Metropolitan Magistrate Court, Fast Track Court-IV, George Town, Chennai. They filed a petition before the Trial Court to reopen and recall P.W.1 for cross examination. It was averred that the main case is posted for defence arguments and the transactions had happened in Indonesia and the same was admitted by P.W.1 and hence they want to cross-examine P.W.1. However, the said petition was dismissed by the Trial Court by the order impugned herein. Hence this petition.

3.Heard the learned counsel on either side.

4.A perusal of the order impugned in this petition would reveal that the petitioners had approached the learned Magistrate concerned for cross examination of PW1 by filing Section 311 Cr.P.C petition, after the complainant side arguments were heard and the case was posted for defence side arguments on 01.11.2016. Further, it is seen that the case was adjourned for several occasions from 28.12.2015 to 02.06.2016 and it was posted finally on 14.10.2016 and 20.10.2016 as a last chance. Even during that time, the accused had not utilised the opportunity, and only after completion of complainant side arguments and the case was posted for defence side arguments, the petition to recall P.W.1 was filed by the petitioners. Further, the petitioners had not stated any reason or justification for such belated filing of the petition at the fag end of the proceedings, that too when the case was posted for defence side arguments. Hence, the learned Magistrate rejected the request of the petitioners, in the light of the observation of the Hon'ble Supreme Court reported in (2016) 2 SCC 402 (State (NCT of Delhi) vs. Shiv Kumar Yadav and another). This Court finds no reason to interfere with the order so passed by the learned Magistrate, as the same is perfectly correct and in

accordance with law.

5.In the result, this petition stands dismissed.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

1.The Metropolitan Magistrate, Fast Track Court-IV,
George Town, Chennai.

+1cc to Mr.N. Anandvenkaesh, Advocate, S.R.No.3461

nrjk(CO)
md(07/02/2017)

CrI.OP.No.27567 of 2016 and
CrI.M.P.No.14070 of 2016



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