



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM

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THE HONOURABLE MR.JUSTICE P.N.PRAKASHCrl.O.P.(MD) No.4290 of 2017 &
Crl.M.P.(MD).Nos.3091 and 3092 of 2017

Vasudevan Ramakrishnan

: Petitioner/6th Accused**-vs-**

1. M/s.Muniraj Colours (P) Ltd.,
Rep. by its Manager/Power Agent,
Mr.D.Amaranathan, aged about 45,
College Road, Tirupur -641 603 : 1st Respondent/Complainant
2. M/s.Shri Renuga Textiles Limited,
Rep by its Managing Director Narayanasamy Jegadeesan
Post Box No.26, Mariamman Kovilpatty,
Theni-625 531.
3. Narayanasamy Jegadeesan
Managing Director of M/s.Shri Renuga Textiles Limited,
7, Gandhi Road, NRT Nagar, Theni -625 531.
4. Laxmanan Kamalakannan
Director of M/s.Shri Renuga Textiles Limited,
45, NRT Road, NRT Nagar, Theni-625 531.
5. Jegadeesan Ramnarayan
6. Krishnasamy Kaliraj
7. Amaranath Kaliraj : Respondents 2 to 7/
Accused 1 to 5 & 7

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the S.T.C.No.90 of 2015, on the file of the learned Judicial Magistrate Court (Fast Track), Theni, dated 06.04.2015 and to quash the same in so far as the petitioner/6th accused in concerned.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.R.Baskar for R1
Mr.C.Muthu Saravanan for R2 to R7

**ORDER**

For the sake of convenience the parties will be referred to by their name. Muniraj Colours (P) Ltd., have initiated a prosecution in S.T.C.No.91 of 2015 before the learned Judicial Magistrate Court (Fast Track), Theni for the offence under Section 138 of the Negotiable Instruments Act against Shri Renuga Textiles Limited represented by its Managing Director, Narayanasamy Jegadeesan/A1 and 6 others including Vasudevan Ramakrishnan/A6, challenging which Vasudevan Ramakrishnan is before this Court.

2. Heard Mr.K.R.Laxman, learned counsel for the petitioner, Mr.R.Baskar learned counsel for the first respondent and Mr.C.Muthu Saravanan, learned counsel for the respondents 2 to 7.

3.It is the case of the complainant that there was a commercial transaction between Shri Renuga Textiles Limited and Muniraj Colours (P) Ltd., in which a sum of Rs.56,67,875 is due to Muniraj Colours (P) Ltd., In discharging the said liability, Shri Renuga Textiles Limited had issued a cheque dated 14.11.2014, but when it presented by complainant, the same was dishonoured. The complainant issued statutory notice and thereafter, filed the present prosecution against Shri Renuga Textiles Limited and 6 others. As regards Vasudevan Ramakrishnan is concerned, he is being implicated in the complaint by virtue of Section 141 of the Negotiable Instruments Act on the ground that he was one of the Directors in Shri Renuga Textiles Limited. Unimpeachable records produced on behalf of the Vasudevan Ramakrishnan shows that he was only a nominee Director in Shri Renuga Textiles Limited, he having been nominated by the IDBI Bank.

4. In this case, the tenure of Vasudevan Ramakrishnan as Director in Shri Renuga Textiles Limited is only for a period of 11 months, which had also expired.

5. The learned counsel for the complainant/first respondent also fairly conceded the position.

6. In view of the above, this petition is allowed and the prosecution of Vasudevan Ramakrishnan/A6 in S.T.C.No.91 of 2015 on the file of learned Judicial Magistrate Court (Fast Track), Theni, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To:

The Judicial Magistrate
(Fast Track Court), Theni.

- + 1 CC TO Mr.C.MUTHU SARAVANAN, ADVOCATE IN SR No. 62414
- + 2 CC TO Mr.R.BASKAR, ADVOCATE IN SR No. 62460
- + 1 CC TO Mr.K.R.LAKSHMAN, ADVOCATE IN SR No. 62927

JIKR

TE/MR-KKR/SAR-II : 04/08/2017 : 3P/6C

Order made in
Crl.O.P.(MD) No.4290 of 2017 and
Crl.M.P.(MD).Nos.3091 and 3092 of 2017
28.06.2017