

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.12.2018
CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.Nos.28386, 28387, 28388, 28389, 28390, 28391, 28392,
28393, 28394, 28395, 28396, 28397, 28398, 28400, 28404, 28405
and 28407 of 2018 and

CRL.M.P.Nos.16511,16512,16513,16514,16515,16519,16516,
16517,16518,16520, 16523,16525, 16521,16522,
16524,16526,16527,16532,16528,16531,16529,16530,16533,16537,1653
4, 16535, 16536,16539,16545,16542,16543,16544,16547&16548 of 2018

1.Servalakshmi Paper Ltd.,
(CIN:L21012TN2005PLC092783)
Office at Kodaganallur Village,
Vaguganpatti(Po), L.C.Pettai,
Tirunelveli - 627 010.

Having its Corporate Office at
No.31, (old # 10-Z), Bharathi Park 7th Cross,
Saibaba Colony, Coimbatore - 641 011.

2.Yarlagada Shivaramprasad (DIN:00010734)
Managing Director, M/s.Servalakshmi Paper Ltd.,
No.44, West Club Road,
Central Coimbatore - 641 011.

3.Rangaswamy Ramaswamy (DIN:00010572)
Executive Chairman & Whole Time Director,
M/s.Servalakshmi Paper Ltd.,
No.247-B, New No.210,
Alagesan Road, Saibaba Colony,
Coimbatore District.

... Petitioners/Accused 1 to 3 in all

Vs.

M/s.Sakthi Energy (P) Ltd.,
Rep by Mr.A.Masilamony, its authorized representative
Office at Clarion House (1st Floor),
S-8, Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

...Respondent/Complainant in all

COMMON PRAYER: Criminal Original Petition filed under Section
482 of Cr.P.C, to call for the record in C.C.Nos.6711, 5915,
5924, 5918, 5921, 5917, 6715, 6713, 5920, 6712, 5919, 6717,
6716, 5922, 6714, 5923 and 5916 of 2018 respectively, on the
file of the learned Fast Track Court No.II, Metropolitan

Magistrate, Egmore @ Allikulam, Chennai and quash the same.

For Petitioner in all CrI.O.Ps	: M/s.T.K.S.Gandhi
For Respondent in all CrI.O.Ps	: Mr.K.P.Ananthakrishnan

C O M M O N O R D E R

These Criminal Original Petitions have been filed seeking to quash the proceedings initiated against the petitioners under Section 138 of Negotiable Instruments Act.

2. The learned counsel for the petitioners would submit that, earlier there was a restrain order passed in the BIFR proceedings. Thereafter in the year 2017, an order has been passed by the NCLT and the entire management has been handed over to interim resolution professional and several directions have been given to the company, insofar as, running of the business is concerned. The learned counsel would submit that since the complaint has been numbered in the year 2018, the proceedings cannot continue as against the petitioners.

3. This Court is not in agreement with the submissions made by the learned counsel for the petitioners. The offence under Section 138 of Negotiable Instruments Act, is an independent offence and it will have no bearing with regard to the other proceedings that have been initiated against the company. This proposition of law is well settled. The various issues that have been raised by the learned counsel for the petitioners are all factual in nature and the same has to be raised only before the Court below in the course of the proceedings. It is for the Court below to consider the proceedings on its own merits and in accordance with law. This Court is not in a position to interfere with the proceedings at this stage.

4. The learned counsel for the petitioners would request this Court to dispense with the appearance of the second and third petitioners considering their age. Accordingly, the appearance of the 2nd and 3rd petitioners are dispensed with and they shall be represented by a counsel. The 2nd and 3rd petitioners shall be present before the Court, at the time of answering the substance of acquisition under Section 251 of Cr.P.C., at the time of questioning under Section 313 of Cr.P.C, and at the time of passing of the judgment. The counsel for the 2nd and 3rd petitioners shall cross examine witnesses on the same day, when they are examined in chief. The 2nd and 3rd petitioners shall not dispute the identity of any witnesses.

5. With the above directions, these Criminal Original

Petitions are disposed of. The Court below is directed to dispose of the proceedings within a period of six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rri/ub

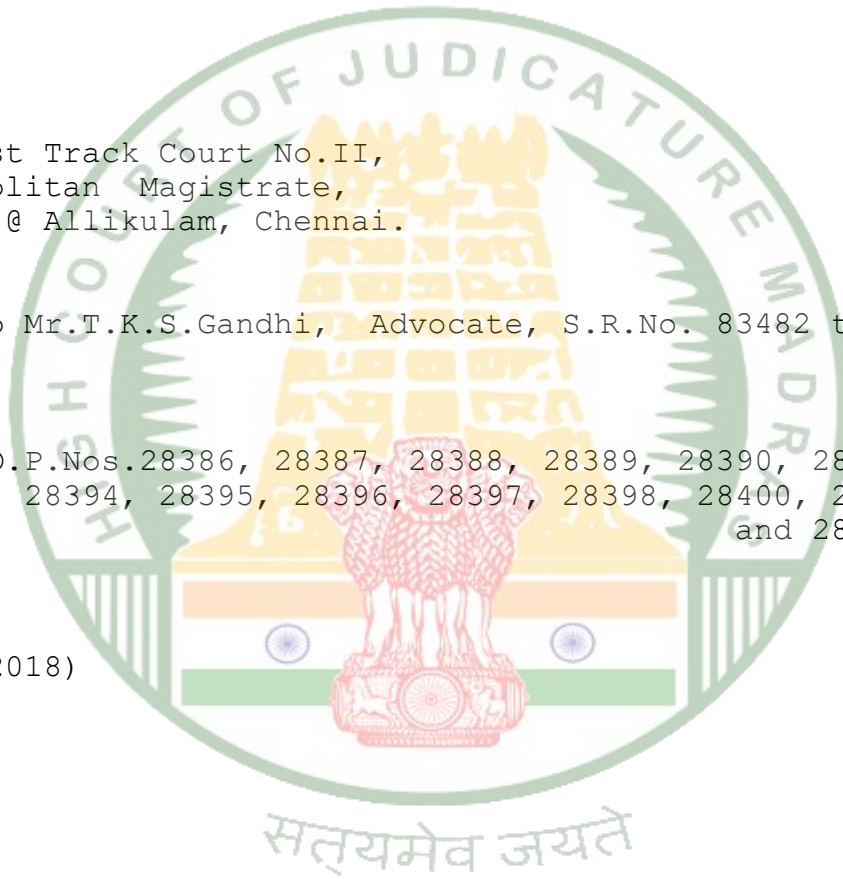
To

1.The Fast Track Court No.II,
Metropolitan Magistrate,
Egmore @ Allikulam, Chennai.

+17cc's to Mr.T.K.S.Gandhi, Advocate, S.R.No. 83482 to 83498

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and 28407 of 2018

GJ II(CO)
GN(21/12/2018)



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