

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7029 of 2019

and

Crl.M.P.No.3869 of 2019

1. M/s. Velohar Infra Private Limited,
Represented by its Managing Director
Ms.Vijayalakshmi,
No.1F, 7th Cross Street, Woodcreek Country,
Nandambakkam, Chennai-600 016.
2. Vijayalakshmi,
Joint Managing Director,
M/s.Velohar Infra Private Limited,
Ms.Vijayalakshmi,
No.1F, 7th Cross Street, Woodcreek Country,
Nandambakkam, Chennai-600 016. ... Petitioners

Vs

Midas Electrical Private Limited,
Represented by its General Manager
Mr.T.Umapathy.
S/o.Late Mr.P.Theagarajan, Having regisered
office at No.196, Demellows Road,
Choolai, chennai 112 .. Respondent

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to set aside the order dated 08.02.2019 in Crl.M.P.No.12111 of 2018 in C.C.No.826 of 2017 passed by the Hon'ble Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.

For Petitioners : M/s.Anil Relwani
For Respondent : Mr.G.Dilip Kumar

O R D E R

This Criminal Original Petition has been filed by the petitioner seeks to set aside the order in Crl.M.P.No.12111 of 2018 in C.C.No.826 of 2017, dated 08.02.2019 passed by the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

3. The complainant filed a private complaint as against the petitioner under section 200 of CrPC., for an offence punishable under section 138 of the Negotiable Instruments Act, (hereinafter referred to as "NI Act").

4. The case of the petitioner/accused is that the CrI.M.P.No. 12111 of 2018 in C.C.No.826 of 2017 is filed by the accused under section 311 of CrPC., requesting this Court to recall the PW1-T.Umapathy for further cross examination. It was averred in the petition that the cross of the PW1 was done in part and not completed. One of the supplier approached the NCLT at Chennai and filed a company petition in C.P/114/(IB)/CB/2018 under section 9 Rule 6 of the IBC, 2016 and the accused was regularly appearing there and she could not give instructions to her counsel to cross examine PW1. The present complainant had also filed the company petition. So, there is need to cross examine PW1 on the said aspect.

5. The respondent/complainant had filed a detailed counter by stating that the petition is nothing but an attempt to prolong the case and that the main case was pending for the arguments and the PW1 was partly cross examined on 13.04.2018 and thereafter, several adjournments were granted to the accused and it was not used. Hence, the cross examination had closed the PW1 cross on 13.08.2018. Thereafter, the accused was questioned under Section 313 of CrPC and opportunities was also granted for adducing DWs and it was also not used. Then, the case was posted for the arguments on 19.12.2018. The proceedings before the National Company Law Tribunal has no bearing on this case and the above said petition is dismissed by the Court below.

6. The learned counsel appearing for the respondent on instructions, submitted that the matter has been posted for judgment in C.C.No.826 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai. Hence, this Court is not inclined to entertain this criminal original petition.

7. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Deputy Registrar(CJ conf)

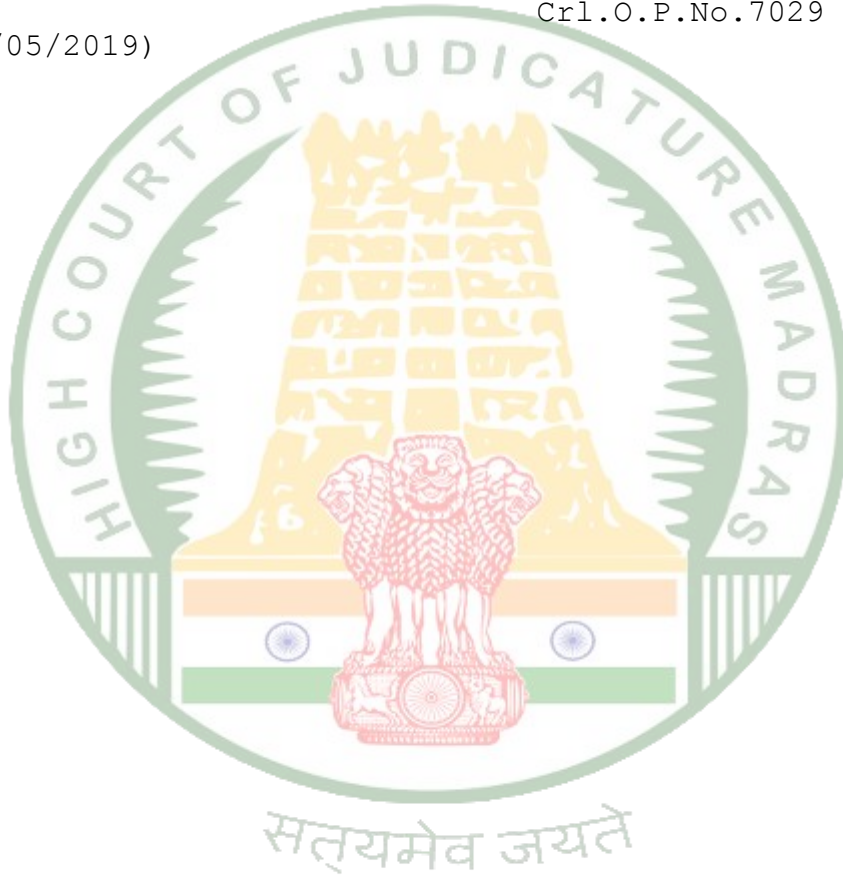
//True Copy//

msm
To

1. The Metropolitan Magistrate,
Fast Track Court-IV,
George Town, Chennai.
2. The Public Prosecutor, High Court, Madras.

A.SK(16/05/2019)

Crl.O.P.No.7029 of 2019



WEB COPY