

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH
Crl.O.P.No.22956 of 2019

M/s.New Medicon Pharma Lab Pvt.Ltd.,
Represented by its Executive Director,
Mr.S.Santhakumar,
New No.104/2, Old No.328/6,
Diwan Sahib Garden,
T.T.K.Road, Royapettah,
Chennai - 600014,
Tamilnadu.Petitioner

Vs

1. M/s.Konis Pharmaceuticals,
Represented by its Managing Partner,
S.Jayarami Reddy,
14-309/A, 1st Floor, Krishnanagar,
Tadepali (M), Guntur District,
Andhra Pradesh.
2. S.Jayarami Reddy
3. S.Koti Reddy
4. K.Satyanarayana
5. Manohara Reddy B
6. Srinivas ...Respondents

PRAYER: Criminal Original Petition filed under Section 482
of Cr.P.C, praying to set aside the order passed in
unnumbered calendar case on 26.04.2019 by the learned IV
Metropolitan Magistrate, Saidapet.

For Petitioner : Mr.R.Bhagawat Krishna

O R D E R

The petitioner's complaint, which was dismissed for default on 26.04.2019, is put under challenge in the present Criminal Original Petition.

2. The reason adduced by the Court below is that the complainant was absent for considerable time, despite several opportunities and therefore, the dismissal order came to be passed. A perusal of the docket order reveals that, as stated by the Trial Court, the complainant has absented himself on 10.05.2018 and 14.06.2018. Thereafter, for the next two hearings, he was present. Subsequently, from 03.10.2018 onwards, he had absented himself. As such, the order of the Court below cannot be strictly found fault.

3. Nevertheless, an overall perusal of the diary extract reveals that the complainant was present on 04.03.2017. From then onwards, the complainant had been presenting himself on various occasions. However, the complaint has not been taken on file during these occasions, for whatever reasons adduced therein. As such, it cannot be stated that the complainant was careless in getting along with the proceedings. In view of the same, this Court is inclined to take a lenient view and give one more opportunity to the petitioner to present himself before the Court below, for the purpose of having taken the complaint on file.

4. In the light of the above observations, the docket order dated 26.04.2019, dismissing the petitioner's complaint for default under Section 256 Cr.P.C., is set aside. Consequently, the learned IV Metropolitan Magistrate, Saidapet, is called upon to take the petitioner's complaint dated 19.09.2017 and adjudicate the same. The petitioner herein shall also cooperate during such adjudication. The learned IV Metropolitan Magistrate shall endeavour to complete the adjudication proceedings, within a period of 30 days from the date of receipt of a copy of this order.

5. The Criminal Original Petition stands disposed of accordingly.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

hvk

To

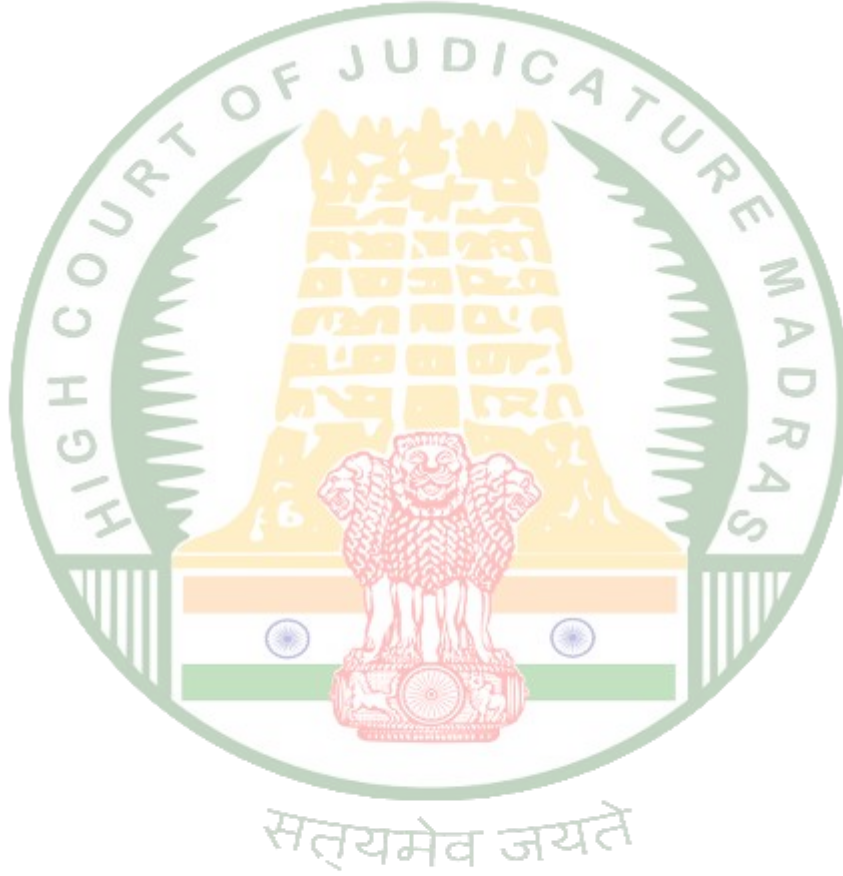
1. The IV Metropolitan Magistrate,
Saidapet, Chennai.

2. Do thro The Chief Metropolitan Magistrate, Egmore

+lcc to Mr.r.Bhagawat Krishna , Advocate SR.No. 81077

CrI.O.P.No.22956 of 2019

A.SK(24/10/2019)



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