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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1081 of 2017
and
CrI.M.P.Nos.10185 of 2017

1.M/s. International Sree Balaji Hotels (P) Ltd.,
Rep.,by its Managing Director, R.Ramanan,
Flat No.C,3rd Floor, Balaji Villa,
New No.10/12, Old No.23/30,
D' Silva Road, Mylapore,
Chennai - 600 004

2. Mr. R.Ramanan

3.R.Sudha Ramanan

Petitioners

Vs

1.Bank of India,
Chennai Asset Recovery Branch,
Erabalu Chetty Street,
Chennai- 600 001
Rep., by its Senior Manager,
Mr.A.J.Sundaram

Respondent/ Original Complainant

2.Asset Reconstruction Company (India) Ltd.,
Rep., by its Senior Vice President and
Group Head,
Mr.Nitil Kamble,
The Ruby, 10th Floor,
No.29, Senapathi Bapat Marg,
Dada (W), Mumbai- 400 028.

Respondent/Petitioner/
Proposed Complainant

PRAYER: Criminal Revision Case has been filed under Section 397 r/w 401 of the Criminal Procedure Code, to set aside the order of the Metropolitan Magistrate, Fast Track Court No.IV, George Town, Chennai, dated 10.02.2017 M.P.No.1080 fo 2019 in C.C.No.2943 of 2012 pending on the file of the IV Metropolitan Magistrate, George Twon, Chennai.

For Petitioners : Notice served-No Appearance



O R D E R

The first respondent bank filed a private complaint under Section 200 of Cr.P.C., before the learned IV Metropolitan Magistrate, George Town, Chennai against the petitioners herein for the offence under Section 138 of the Negotiable Instrument Act. The learned IV Metropolitan Magistrate taken cognizance of the complaint on file in C.C.No.2943 of 2012. During the pendency of the case the petitioners filed a petition in M.P.No.1080 of 2017 to substitute the 2nd respondent Asset Reconstruction Company (India) Ltd., in the place of the first respondent bank.

2 Further, pending adjudication of C.C.No.2943 of 2012, the first respondent herein had assigned to the second respondent herein, the debt of Rs.17,77,94,300/- disbursed to the petitioner herein and the sanctioned letter. Pursuant to the assignment the second respondent has stepped into the shoes of the first respondent, as the assigner of the first respondent and creditor of the petitioners herein. Therefore, the second respondent filed a petition in M.P.No.1080 of 2019 in C.C.No.2943 of 2012, pending on the file of the IV Metropolitan Magistrate, George Town, Chennai, to substitute the second respondent in the place of the first respondent. The said petition was allowed by the learned IV Metropolitan Magistrate, George Town, Chennai. As against which, the petitioners have filed the present revision case before this Court.

3 The petitioners herein themselves admitted that the second respondent has take over all the management of the first respondent. Therefore, they want to proceed the complaint filed by the first respondent against the revision petitioners. Even the respondents themselves admitted that due to the subsequent events i.e, the second respondent has taken over the entire company and under these circumstances, the order passed by the learned IV Metropolitan Magistrate, George Town, Chennai, does not warrants any interference by this Court.

4 Accordingly, this Court does not find any merit in this revision, the revision case is liable to be dismissed.

5 Accordingly, the present Criminal Revision Case is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar



sbn

To

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The Metropolitan Magistrate,
Fast Track Court NO.IV,
George Town, Chennai.

+lcc to Mr.V.V.Sivakumar, Advocate SR.No.37947

CrI.RC.No.1081 of 2017
and
CrI.M.P.Nos.8600 &10185 of 2017

RP (CO)
GMY (27/01/2020)