



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.29137 of 2017
and Crl.M.P.Nos.16455 & 16456 of 2017

RRP. Housing Pvt. Ltd.,
Rep. by its Authorised Signatory,
N.Padmanaban,
No.4, Achutan Nagar,
1st Street, Ekkattuthangal,
Chennai - 600 032.

...Petitioner/Accused

Vs.

M/s. Ace Cemex Pvt. Ltd.,
Rep. by its Power Agent,
Mr.B.Ramesh,
Having Registered Office at
No.19/9, Temple Road,
Kilpauk,
Chennai - 600 010.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in C.C.No.58 of 2017 on the file of the Metropolitan Magistrate Court, (Fast Track Court No.II), Allikulam, Egmore, Chennai, and quash the same.

For Petitioner : Mr.B.Manimaran

For Respondent : Mr.R.Karthikeyan

O R D E R

This Criminal Original Petition has been filed to call for the entire records in C.C.No.58 of 2017 on the file of the Metropolitan Magistrate Court, (Fast Track Court No.II), Allikulam, Egmore, Chennai.



2. Heard the learned counsel appearing for both the parties and perused the materials available on record.

3. Though several grounds have been raised in the complaint initiated under Section 138 of the Negotiable Instruments Act, 1881, the main contention put forth by the learned counsel is that the complaint has not been initiated by an Authorized person. Therefore, this Court posed a question with regard to the maintainability of the petition.

4. The learned counsel appearing for the petitioner fairly submitted that the petitioner is ready to face the trial and the petitioner's appearance before the Trial Court may be dispensed with.

5. Recording the submissions made by the learned counsel appearing for the petitioner, the presence of the petitioner before the Trial Court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court. They shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief.

6. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

sts/ata

To:

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

Cr1.O.P. No.29137 of 2017

KG(CO)
CB(17/12/2021)