



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.R.C.No.232 of 2022

and

Crl.M.P.No.2362 of 2022

Ayyampalayam Venkatesan Arun,
Liquidator for Siva Industries and Holdings Limited,
(Formerly Known as M/s.Sterling Infotech Limited)
Having office at,
Akshayam - 153B,
Suganvaneswara Street,
Salem - 4.

...Petitioner

Vs.

1.A.Subramanian

2.Inspector of Police,
SPE / CBI / ACB / Chennai,
Haddows Road,
Shastri Bhavan,
Chennai

...Respondents

Prayer :- Criminal Revision Case is filed under Section 397 and 401 of Code of Criminal Procedure, to call for the records in Crl.M.P.No.6473 of 2021 in C.C.No.29 of 2006 on the file of the learned XIV Additional Special Judge for CBI, at Chennai and set aside the order dated 02.11.2021 directing the liquidator of M/s.Siva Industries and Holdings Limited which was formerly known as M/s.Sterling Infotech Limited (Accused No.5 company) to face trial representing the company by substituting Accused No.7 who had been representing Accused No.5 company in the criminal proceedings in C.C.No.29 of 2006 pending on the file of the learned XIV Additional Special Judge for CBI, at Chennai.

For Petitioner : Mr.P.Siddarth for
M/s.K.R.Samratt

For Respondents : Mr.A.R.Pradap (for R1).

Mr.K.Srinivasan (for R2)
Special Public Prosecutor,
High Court of Madras.



ORDER

This petition is filed to call for the records in Crl.M.P.No.6473 of 2021 in C.C.No.29 of 2006 on the file of the learned XIV Additional Special Judge for CBI, at Chennai and set aside the order dated 02.11.2021 directing the liquidator of M/s.Siva Industries and Holdings Limited which was formerly known as M/s.Sterling Infotech Limited which was formerly known as M/s.Sterling Infotech Limited (Accused No.5 company) to face trial representing the company by substituting Accused No.7 who had been representing Accused No.5 company in the criminal proceedings in C.C.No.29 of 2006 pending on the file of the learned XIV Additional Special Judge for CBI, at Chennai.

2.The only grievance of the learned counsel for the petitioner is that Crl.M.P.No.6473 of 2021 was filed under Section 305 of Cr.P.C. by first respondent Subramanian to issue summons to the liquidator of M/s.Siva Industries and Holdings Limited, the then, M/s.Sterling Infotech Limited, for the reason that petitioner cannot represent or can be seen to act for M/s.Siva Industries and Holdings Limited. Petitioner claimed that filed memo, in Crl.M.P.No.6473 of 2021 seeking copy of the records in Crl.M.P.No.6473 of 2021 in C.C.No.29 of 2006 to enable him to file counter. However, without giving the copy and affording an opportunity to file counter, learned XIV Additional Special Judge for CBI, Chennai allowed Crl.M.P.No.6473 of 2021. The order of learned XIV Additional Special Judge for CBI, Chennai in Crl.M.P.No.6473 of 2021 also reads that on perusing the memo, petition was allowed, however, without giving an opportunity to file counter by the petitioner. Therefore, in the considered view of this Court, the order dated 02.11.2021 in Crl.M.P.No.6473 of 2021 in C.C.No.29 of 2006 on the file of the learned XIV Additional Special Judge for CBI, Chennai has to be necessarily set aside and accordingly set aside with the direction to the learned XIV Additional Special Judge for CBI, Chennai to give opportunity to the petitioner (i.e. Liquidator) to file counter and then dispose the petition in Crl.M.P.No.6473 of 2021 on merits and in accordance with law.

3.Accordingly, Criminal Revision Case in Crl.R.C.No.232 of 2022 is disposed of. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The XIV Additional Special Judge for CBI,
Chennai.
2. The Public Prosecutor,
High Court of Madras.
3. Inspector of Police,
SPE / CBI / ACB / Chennai,
Haddows Road,
Shastri Bhavan,
Chennai.

Copy to:

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to M/s.K.R.Samratt, Advocate, S.R.No.24685

Cr1.R.C.No.232 of 2022
and
Cr1.M.P.No.2362 of 2022

SKM(CO)
SU(27/04/2022)