



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8879 of 2022

M/s.U.P.Twiga Fiberglass Limited,
Rep. by its Authorised Signatory M.Dinesh,
Having its office at "Zubi Manor"
No.27, Flat NO.3C, 1st Floor, 7th Avenue,
Ashok Nagar, Chennai - 600 0083 ...Petitioner/Complainant

Vs

1. M/s Enlon Filtek Private Limited,
Rep. by its Directors Milroy Rozario, Beaula Rozario,
Old No.98-A, New No.15-A Second Floor,
Padikuppam Main Road,
Gandhi Nagar, Anna Nagar West,
Chennai.
2. Milroy Rozario,
Director M/s Enlon Filtek Private Limited,
Old No.98-A, New No.15-A Second Floor,
Padikuppam Main Road,
Gandhi Nagar, Anna Nagar West,
Chennai - 600 040.
3. Beaula Rozario
Director M/s Enlon Filtek Private Limited,
Old No.98-A, New No.15-A Second Floor,
Padikuppam Main Road,
Gandhi Nagar, Anna Nagar West,
Chennai - 600 040. ...Respondents/Accused

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned FTC-II Metropolitan Magistrate Egmore @ Allikulam to dispose the C.C.No.5321 of 2019 as expeditiously as possible in accordance with law and pass such orders.

For Petitioner : Mr.P.J.Rishikesh

ORDER

This Criminal Original Petition has been filed to direct the learned FTC-II Metropolitan Magistrate, Egmore @



Allikulam to dispose of C.C.No.5321 of 2019 as expeditiously as possible, in accordance with law.

2. The learned counsel for the petitioner would submit that the petitioner is a Limited Company registered under the Companies Act. The petitioner/Company has filed a complaint in C.C.No.5321 of 2019 on the file of the learned FTC-II Metropolitan Magistrate, Egmore @ Allikulam, Chennai against the respondents for the offences under Sections 138 and 141 of the Negotiable Instruments Act, 1881, in respect of dishonour of cheque to the tune of Rs.46,77,235/- The case was taken up on file during the year 2019. The 1st accused is a Company and 2nd and 3rd accused are the Directors of the Company. The 2nd respondent / accused representing himself and the Company, appeared on 25.09.2019 and fresh notice was issued to the 3rd accused. The 3rd accused is none other than the wife of the 2nd accused. She had willfully evaded service of notice. Thereafter, the 2nd and 3rd accused appeared before the trial Court on 05.11.2019 through a Counsel and they have also filed a Memo before the Court stating that they have paid an amount of Rs.5,00,000/- by way of Demand Draft and they also undertook to settle the entire balance amount within a period of one month. Thereafter, the accused have been adopting the novel method of absenting one after other, thereby the case was repeatedly adjourned. Meanwhile, the Non-Bailable Warrant was issued against the accused on 15.03.2021 and they have appeared before the Court and the Non-Bailable Warrant was recalled. Subsequently, the respondents in order to delay the trial have been adopting the dilatory tactics by absenting one after other and thereby, this Court was unable to serve the copies of the complaint on them and to proceed further. Further repeatedly, the case has been adjourned. He would submit that the money belonging to the Company more than Rs.41,77,235/- is yet to be recovered from the accused. He would also reiterate that the accused have also filed a Memo on 05.11.2019 agreeing to settle the entire balance amount within a period of one month and despite the same, the case is pending for almost two and a half years without moving to the next stage and the case has been now posted for hearing on 22.04.2022.

3. Heard the learned counsel for the petitioner and perused the material available on records.

4. Perusal of the materials, shows that the respondent 2 and 3 have been adopting dilatory tactics to delay the process of trial. It is also to be noted that the accused have filed a memo on 05.11.2019 undertaking to settle the entire balance amount within one month. There had been no progress for more than two years and now the case has been posted on 22.04.2022.



5. In view of the above, a direction is issued to the learned Trial Judge to insist for the appearance of the accused and serve copies and proceed with trial and ensure that the trial is completed within a period of 4 months from the next hearing date i.e., 22.04.2022. Accordingly, this Criminal Original Petition stands disposed of.

s/d-
Assistant Registrar (CS II)

True Copy

Sub-Assistant Registrar

vkr/nti
To

1. The learned FTC-II Metropolitan Magistrate,
Egmore @ Allikulam,
Chennai.
2. Do Through The Chief Metropolitan Magistrate
Egmore, Chennai

+1 CC to Mr. P.J. Rishikesh, Advocate sr 27129.

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AJS (CO)
SP(21/04/2022)