



CrI.O.P.No.30260 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30260 of 2022

&

CrI.M.P.No.18521 of 2022

1.M/s. Sri Vaaru Metallurgicals Private Limited,
Rep by its Authorised Signatory E.Narayannan,
Plot No.84, 85 Industrial Area, IInd Phase,
Malur Taluk, Kolar District, Bangalore.

2.E.Narayanan, (Director),
M/s. Sri Vaaru Metallurgicals Private Limited.

3.Pushpa Rani, (Director),
M/s. Sri Vaaru Metallurgicals Private limited,
Both are residing at 1669, 2nd Cross,
Prakashnagar, Bangalore - 560021.

... Petitioners

Vs.

M/s. Kotak Mahindra Bank Ltd.,
Rep by its Chief Manager Mr.Ponraj Thangadurai,
No.39, Ceebros Centre, 1st Floor,
Montieth Road, Egmore,
Chennai – 600 008.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to set-aside the order dated 24/11/2022 in CrI.M.P.No.4014/2022 in
C.C.No.491/2017 dismissing the 311 Crpc, passed by of the learned MM Fast



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track court Magistrate IV at George Town, Chennai and allow the same.

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For Petitioners : M/s.S.Pachaiyappan
For Respondent : Mr.M.Arunachalam

ORDER

This Criminal Original Petition has been filed to set-aside the order dated 24.11.2022 in Crl.M.P.No.4014/2022 in C.C.No.491/2017 passed by the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level - IV at George Town, Chennai.

2. When the matter is taken up, Mr.M.Arunachalam, the learned counsel appearing for the respondent opposed this petition on the ground that, this is the 2nd petition filed under Section 311 of Cr.P.C., for recalling PW1. PW1 was chief examined way back in 2017 and the petitioners have not taken any initiative to cross examine PW1. When the matter is pending for arguments, this second petition has been filed.

3. Considering the fact that the petitioners were not diligent enough in cross examining PW1 resulting in the delay of disposal of the case and also considering the fact that the petitioners would have to be given an opportunity



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to contest the case on merits, this Court is inclined to allow this petition with costs of Rs.5,000/- to the respondent and on condition that the cross examination should be completed on the next hearing date when the parties appear before the learned Metropolitan Magistrate, Fast Track Court at Magistrate Level – IV, George Town, Chennai. The parties are directed to appear before the Metropolitan Magistrate Fast Track Court at Magistrate Level – IV, George Town, Chennai on 19.12.2022. The costs must be paid to the respondent through the learned counsel for the respondent on or before 19.12.2022.

4. Accordingly, this Criminal Original Petition is allowed. Consequently connected miscellaneous petition is closed.

07.12.2022

Index:Yes/No

Speaking/Non speaking order

mpl



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G.CHANDRASEKHARAN.J.,

mpl

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&
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