



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24700 of 2023
and Crl.M.P.Nos.17187 & 17188 of 2023

Mrs.Sudha Poosapadi Chinnavenkata Raja

... Petitioner

Vs.

C.Karupiah @ C.Karuppiah

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in STC No.5038 of 2023 on the file of the learned FTC II Metropolitan Magistrate Court, Allikulam, Chennai and quash the same.

For Petitioner : Mr.V.Krishnamoorthy

ORDER

The petitioner herein facing prosecution under Section 138 of the Negotiable Instruments Act before the FTC II, Metropolitan Magistrate



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Court, Allikulam, Chennai in STC No.5038 of 2023. She is arrayed as an accused being one of the Director of the Company which has issued the cheque and bounced for insufficiency of funds. In this petition, it is contended that the petitioner is not the Director of the Company and she is not in-charge of the day-to-day affairs of the Company or responsible for the conduct of the business. However, the petitioner is not able to place the material to prove that she is not the Director of the Company to discharge the allegation found in the complaint that she is one of the Directors of the Company in-charge of the day-to-day affairs of the Company and also taking care of the business like purchase, sale, marketing, finance, borrowing loans etc. Therefore, this Court is not inclined to entertain this quash petition, since it is bereft of details and information. However, the dismissal of the quash petition will not stand in the way of the petitioner herein to canvas all the points before the Trial Court and discharge the reverse burden cast upon.

2.The learned counsel for the petitioner seeks leave of this Court to grant permission to dispense with the personal appearance of the petitioner.



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The Trial Court shall consider favourably such request, if a petition under Section 205 or 317 of Cr.P.C., is filed and allow the leave of absence of the petitioner herein.

3. Accordingly, this criminal original petition stands dismissed.
Consequently, connected miscellaneous petitions are closed.

03.11.2023

Index : Yes/No
Neutral Citation : Yes/No
ssr

To

1. The Additional District and Special Court for Trial
of cases under the EC Act, Coimbatore
2. The Inspector of Police,
NIB-CID,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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Dr.G.JAYACHANDRAN,J.

SSR

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