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Crl.O.P.No.24530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24530 of 2023
and
Crl.M.P.Nos.17054 & 17055 of 2023

M/s.Bakyashwri Sea Food Pvt.Ltd.
Represented by its authorised Signatory
Mr.Suman Manna
having its Registered Office
at HN-740/742, Serpur, Etoaribar,
Contai, East Medinipur,
West Bengal – 721 401,
having its City Office at 203, 2nd Floor,
Mangalam Building, Block – A,
24, Hemanta Basu Sarani,
Kolkata – 700 001.

...

Petitioner

/vs/

M/s.Grobest Feeds Corporation (India)
Private Limited,
Rep.by its Authorised Signatory,
Mr.Manikandan, Senior Executive
Administration,
GROBEST TOWERS, Survey No.25/1A1B,
Permabur Red Hills Road,
Kathirvedu, Vinayagapuram,
Chennai – 600 099.

...

Respondents



CrI.O.P.No.24530 of 2023

PRAYER : The Criminal original petition has been filed under Section 482 of Cr.P.C. to call for the records in S.T.C.No.1159 of 2023 on the file of the learned IV-Fast Track Court, Metropolitan Magistrate at George Town, Chennai and quash the same.

For Petitioner	...	Mr.B.Dhanaraj
For Respondent	...	Mr.J.Ranjithkumar for M/s.Surana & Surana

ORDER

Petition to quash the case in S.T.C.No.1159 of 2023 on the file of the IV-Fast Track Court, Metropolitan Magistrate at George Town, Chennai.

2.Pursuant to the direction of this Court, the counsel for the respondent has produced the postal acknowledgement and tracking report regarding the statutory notice issued to the accused persons. The petition to quash the criminal complaint initiated under Section 138 of the Negotiable Instrument Act, the petitioner herein, who is the accused, contended that even according to the complaint paragraph No.11, the statutory notice was served on the first accused on 14.03.2023 and rest of the accused on 02.03.2023, whereas, the complaint was presented before the Judicial Magistrate, Fast Track Court on 24.03.2023, which is apparently within 15



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days on receipt of the statutory notice, hence, before cause of action gets matured, the complaint was filed. For the said purpose, the Court directed to verify whether the complaint filed before the cause of action was filed on.

3.Today, the postal tracking record and the acknowledgement card indicates that Shyamapada Mandal, Managing Director of M/s.Bakyashwri Sea Food Pvt. Ltd., had received the statutory notice on 23.02.2023 at 2.23 pm. he had signed with date and time. Regarding the other three accused, the postal tracking record indicates that item delivered to them on 02.03.2023 thus it is clear that the private complaint presented only after expiry of 15 days from the receipt of the statutory notice and not clear to that. Therefore, this Court finds no merit in this quash petition. Accordingly, the criminal original petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No
Internet : Yes/No
sms

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DR.G.JAYACHANDRAN,J.

sms

To

IV-Fast Track Court,
Metropolitan Magistrate,
George Town, Chennai.

Crl.O.P.No.24530 of 2023
and
Crl.M.P.Nos.17054 & 17055 of 2023

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