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Crl.O.P.Nos.28118 & 28012 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.28118 & 28012 of 2023

and

Crl.M.P.Nos19508 & 19436 of 2023

1. M/s. Salim Shoes (P) Ltd,
Rep by its Managing Director
Mr.Arcot Mohammed Saalim
No.1-A Regency Apartment
No.5 1st Lane, Nungambakkam High Road,
Chennai – 600 034.

2. Mr.Arcot Mohmmmed Saalim
Crl.O.Ps

... Petitioner in both

Vs.

1. M/s. United Enterprise,
Rep by its Managing Partner
Mr.N.Srinivasan
No.14/3, Bharathi Nargar,
Ranipet,
Ranipet District – 632 403.

2. Mr.Arcot Mohammed Aslam
Director M/s. Salim Shoes (P) Ltd,
No.1-A Regency Apartment,
No.5, 1st Lane, Nungambakkam High Road,
Chennai – 600 034.

3. Shakvai Mumtaj Begum
Director M/s. Salim Shoes (P) Ltd,
No.1-A regency Apartment,
No.5 , 1st Lane, Nungambakkam High Road,
Chennai – 600 034.



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4. Mr.Arcot Mohammed Ashfaque,
Director M/s. Salim Shoes (P) Ltd,
No.1-A Regency Apartment,
No.5, 1st Lane, Nungambakkam High Road,
Chennai – 600 034. ... Respondents in both
Crl.O.Ps

Prayer in Crl.O.P.No.28118 of 2023: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 06.11.2023 made in C.M.P.No.3856 of 2023 in STC No.385 of 2020 on the file of the District Munsif Cum Judicial Magistrate Court Ranipet.

Prayer in Crl.O.P.No.28046 of 2023: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 06.11.2023 made in C.M.P.No.3850 of 2023 in STC No.382 of 2020 on the file of the District Munsif Cum Judicial Magistrate Court Ranipet.

For Petitioner : M/s.S.Sri Ranjini

COMMON ORDER

These petitions are filed being aggrieved by the dismissal of his application filed under Section 311 of Cr.P.C to recall the complainant.

2. Petitioner is facing trial in a private complaint initiated under

Section 138 of NI Act. During the course of the trial, application is filed



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to recall PW1, who was cross examined by the petitioner on 21.11.2022 and 08.03.2023. The reason for recalling the witness appears to be certain questions regarding resolution process pending on the file of the NCLT.

3. The learned counsel for the petitioner states that, though the reason was sufficiently explained, the trial Court has dismissed the application. Hence, present petition is filed.

4. The examination of impugned order dated 06.11.2023 indicates that, after examination of PW1 in chief, case has been adjourned time to time since 21.12.2022 and got completed on 08.03.2023. When the matter was posted for argument, present application under Section 311 of Cr.P.C was filed. The reason for recalling the complainant appears to be for cross examining about the proceeding of NCLT dated 20.09.2023. The learned counsel also enclosed the proceedings of NCLT which indicates that, proposal has been given to the resolution profession and it is under process. The proceedings before NCLT is not the subject matter of the complainant and therefore any fact in connection with the proceeding before NCLT is not going to enhance the material available



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for fair decision of the case. Hence, this Court finds no reason to entertain the present petitions seeking recall of PW1.

5. Accordingly, these Criminal Original Petitions are dismissed.

Consequently, connected miscellaneous petitions are closed.

19.12.2023

Index : Yes/No

Neutral Citation : Yes/No

Sma

To

District Munsif Cum Judicial Magistrate Court Ranipet.



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Dr.G.JAYACHANDRAN,J.

Sma

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