



Crl.A.No.517 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.A.No.517 of 2024

M/s.Marida Sons Holdings Private Limited,
Represented by their authorised signatory,
Pradeep Kumar Jain (deceased),
No.5, Damodaran Street,
1st Floor, Kelleys,
Chennai - 600 010.

Presently,
M/s.GVN Enterprises Private Limited,
Formerly known as (M/s.Mardia Sons Holdings Private Limited),
Represented by their Authorised Signatory,
Mr.I.Kasi Srinivasalu,
Door No.1/L, Blackers Road,
6th Floor, 6B Gaiety Palace,
Chintadripet,
Chennai - 600 002.

... Petitioner

Vs.

1. CSI Arogyavaram Medical Centre,
Arogyavaram - 517 330,
Chittor District,
Andhra Pradesh.



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2. Dr.B.Wesley,
Director,
CSI Arogyavaram Medical Centre,
Arogyavaram - 517 330,
Chittor District,
Andhra Pradesh.

3. S.P.Devadutta,
Treasurer,
CSI Arogyavaram Medical Centre,
Arogyavaram - 517 330,
Chittor District,
Andhra Pradesh.

4. Sheela Wesley

5. Rev A.I.David

6. D.James

7. T.Emmanuel

8. Pushpalatha

9. Dr.Asar Shareef

10. Bagyalakshmi John

... Respondents

PRAYER : Appeal filed under Section 378(4) of the Criminal Procedure Code, to set aside the dismissal order passed in C.C.No.2890 of 2010 on 14.10.2022 by the Hon'ble Metropolitan Magistrate, Fast Track Court-I, Allikulam, Chennai.



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For Petitioner : Mr.S.Tamilselvan
For Respondents : No appearance for R1
R2 and R6 - died
R3,R5,R8&R9 - notice not served

J U D G M E N T

This criminal appeal is filed against the impugned order dated 14.10.2022 passed in C.C.No.2890 of 2010 by the learned Metropolitan Magistrate, Fast Track Court-I, Allikulam, Chennai.

2. The case of the appellant / complainant is that the first respondent Company had availed a loan from the complainant by executing promissory note. The second respondent, who is the Director and also representative of the first respondent Company had also executed a deed of mortgage, apart from depositing the title deeds pertaining to the properties belonging to the first respondent, in order to secure the money borrowed from the complainant. The repayment of money borrowed from the complainant has been agreed under the promissory note and is also governed by the terms of mortgage deed. While so, to discharge the liability, the accused had issued a cheque bearing No.478022 dated 31.12.2009 for a sum



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of Rs.1,96,43,853/- and when it was presented before the Bank, it was returned with an endorsement "refer to drawer". Thereby, the complainant issued legal notice to all the accused on 17.04.2010 and the same was received by them, however, the accused persons neither gave any reply nor repaid the amount, which triggered the petitioner to file a complaint before the trial Court. However, due to non-payment of processing fee and non-appearance, the trial Court dismissed the petition on 14.10.2022. Aggrieved over the same, the present revision has been filed.

3. Though the C.C was filed in the year 2010 and the case was dismissed for non-payment of processing fee and non- appearance on 14.10.2022, this Court ordered notice to all the respondents. It is seen from the case file that, R1 was served and as regards R2 and R6, the endorsement says that they are no more and notice was not served on R3, R5, R8 and R9.

4. Today when the matter is taken up for hearing, the learned



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counsel appearing for the appellant submits that the second respondent is a Director of the first respondent Company has died.

5. Since the second respondent is died, this Criminal Appeal is dismissed as abated.

25.06.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The Metropolitan Magistrate,
Fast Track Court-I,
Allikulam, Chennai.



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M.DHANDAPANI, J.

vji

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