

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 03.06.2024

CORAM

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**Crl.RC.No.803 of 2024
and Crl.MP.No.7358 of 2024

Dharson Travels and Tours Private Limited
Rep.by its Authorised Official,
Mr.Deepak H Mehta,
Door No.58, 1st Floor,
Govindappa Naicken Street,
Chennai-600 001.

... Petitioner

-Vs-

- 1.Nathella Sampath Jewelry Private Limited,
Rep.by its
- 2.Nathella Ranganatha Gupta
Director of Nathella Sampath Jewelry Private Limited
- 3.Nathella Prapanna Kumar
Director of Nathella Sampath Jewelry Private Limited
- 4.Nathella Prasanna Kumar
Director of Nathella Sampath Jewelry Private Limited
- 5.Kota Suresh
Director of Nathella Sampath Jewelry Private Limited
No.7, Lynwood Avenue,
Mahalingapuram,
Chennai-600 024,
Corporate Office at



No.54, South Usman Road,
T.Nagar, Chennai-600 017.

... Respondents

Prayer: Criminal Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code, to set aside the order passed by the learned 25th Metropolitan Magistrate, Egmore, Chennai, in CrI.M.P.No.59207 of 2023 in C.C.No.8973 of 2017 dated 27.03.2024.

For petitioner : Mr.T.R.Ravi

ORDER

The Criminal Revision Case is filed against the order dated 27.03.2024 passed in CrI.M.P.No.59207 of 2023 in C.C.No.8973 of 2017 by the learned 25th Metropolitan Magistrate, Egmore, Chennai.

2. The learned counsel appearing for the petitioner submits that the revision petitioner has filed a private complaint under Sections 138 and 141 of Negotiable Instrument Act against the respondents for non-payment of loan amount received from the petitioner and the same is pending for trial. During the pendency of the trial, after the complainant's side witnesses is over, the respondents/accused filed a petition under Section 247 Cr.P.C for examination of two witnesses, namely, Vishal Lodha and Hemanth Mehtha, as defence witnesses who are no way connected with the transaction between the petitioner



and the respondents. However, the trial Court, without ascertaining the said fact, has allowed the petition filed by the respondents permitting them to examine the defence witnesses, against which, the present revision petition has been filed. He would further submit that the defence witnesses as suggested by the respondent are no way connected with the transaction between the petitioner and the respondents. Hence, he prays for appropriate orders.

3. Since no adverse order is going to be passed against the respondents, notice to the respondents is dispensed with.

4. The petitioner claims that the first respondent Company has received a sum of Rs.50,00,000/- as loan from the petitioner, however, they have defaulted in paying the loan amount and in order to discharge their legally enforceable debt, the first respondent Company has issued a cheque and when the petitioner presented the cheque before the Bank, it was returned with an endorsement "funds insufficient", hence, a private complaint was filed against the respondents under Sections 138 and 141 of Negotiable Instrument Act in C.C.No.8973 of 2017 before the learned 25th Metropolitan Magistrate, Egmore, Chennai-1 and the same is pending for trial. In the meantime, the respondents



have filed a petition under Section 247 Cr.P.C for examination of one Vishal Lodha and Hemanth Mehtha as defence witnesses and the same was allowed.

Feeling aggrieved over the same, the petitioner has filed the present petition. In order to give fair opportunity to the respondents to put forth their case, the trial Court has allowed the petition filed by the respondents for examination of defence witnesses which cannot be interfered with by this Court. Mere examination of two witnesses would not cause any prejudice to the petitioner and the petitioner can also very well cross-examine the defence witnesses and therefore, the prayer sought for in this petition cannot be granted by this Court. However, the trial Court is directed to dispose of the case in C.C.No.8973 of 2017 as expeditiously as possible.

5. Accordingly, the Criminal Revision Case is dismissed. Connected miscellaneous petition is closed.

03.06.2024

Index : Yes/No
Internet: Yes/No
Speaking Order : Yes/No
ssb



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To
The learned 25th Metropolitan Magistrate, Egmore, Chennai,



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M.DHANDAPANI,J.

ssb

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