



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 23097 of 2022

1 M/S.WALDEMAR LINK INDIA PVT
LTD REP BY ITS MANAGING DIRECTOR A.
ARAVINDAN NO.7 OLD NO.4 17TH AVENUE
HARRINGTON ROAD CHETPET CHENNAI 600 031.

....Petitioner

Vs

1 M/S.JEEVAN HEALTH CARE
PROPRIETOR Y.JAYARAM NEW NO. 46 OLD NO.
101 GENGU REDDY ROAD EGMORE CHENNAI 600
008.

...Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to set aside the order passed by the Hon`ble XX Additional City Civil Court at Allikulam in Crl. M.P.No.21711 of 2022 dated 17.3.2022.

For Petitioner : Mr.H.Manivannan

For Respondent: Mr.V.Premkumar



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ORDER

The petitioners herein filed this petition to set aside the order passed by the XX Additional City Civil Court at Allikulam in Crl. M.P.No.21711 of 2022 dated 17.3.2022.

2. The petitioner herein filed the petition under Section 391 of Cr.P.C to take additional evidence and to permit the complainant to mark the Board resolution of the complainant company authorizing its managing director to conduce legal proceedings as one of the prosecution exhibits in Crl.A.No. 6 of 2012. After considering the submissions on either side, the Court below dismissed the said application. Challenging the same, the petitioner filed this petition.

3. Heard both sides.

4. According to the petitioner, due to lack of communication with the Trial Court counsel the petitioner was not able to produce the board resolution dated 28.11.2017 before the Trial Court. Admittedly, the petitioner wants to produce the board resolution dated 28.11.2017, which authorized its managing director to conduct legal proceedings and the complaint also filed on 15.05.2017. Considering the above, adducing the board resolution dated 28.11.2017 as evidence would not cause any



prejudice to the respondent but the Trial Court erroneously dismissed the said application as such is liable to be set aside. Thus, Crl.MP.No. 21711 of 2021 in C.A No. 06 of 2021 is allowed and the liberty is granted to the respondent to adduce evidence, if any, as per manner to law.

5. In the result, this petition is allowed. No Costs.

26.02.2024

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To
The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.



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