



Crl.R.C.No.1424 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

Crl.R.C.No.1424 of 2024

and

Crl.M.P.No.12011 of 2024

1.Sams Ultimate Discount Cards Pvt. Ltd.,
Represented by its Founder & Chairman,
Mr.Jahabar Jassam Hajamaideen,
#45, First Floor, Venkatesa Nagar, 1st Street,
Virugambakkam, Chennai – 600 092.

2.Jahabar Jassam Hajamaideen

... Petitioners

Vs.

Sujith Karunakaran Nair

... Respondent

PRAYER: Criminal Revision filed under Sections 438 and 442 of Bharatiya Nagarik Suraksha Sanhita, to call for the records and set aside the impugned order dated 10.07.2024 made in Crl.M.P.No.40218 of 2024 in S.T.C.No.2559 of 2023, on the file of the learned Metropolitan Magistrate, Fast Track Court-II at Allikulam, Chennai, consequently to direct the learned Metropolitan Magistrate, Fast Track Court-II at Allikulam, Chennai to recall the non-bailable warrant dated 16.04.2024, made in S.T.C.No.2559 of 2023.



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For Petitioner : Mr.V.Ramanareddy

ORDER

This Criminal Revision Case has been filed challenging the impugned order dated 10.07.2024 made in Crl.M.P.No.40218 of 2024 in S.T.C.No.2559 of 2023, on the file of the learned Metropolitan Magistrate, Fast Track Court-II at Allikulam, Chennai and for a consequential direction to the learned Metropolitan Magistrate, Fast Track Court-II at Allikulam, Chennai to recall the non-bailable warrant dated 16.04.2024 made in S.T.C.No.2559 of 2023.

2.The petitioners/accused in S.T.C.No.2559 of 2023 filed a petition to recall Non Bailable Warrant issued against him in Crl.M.P.No.40218 of 2024. The trial Court finding the reasons not satisfied, dismissed the same, against which, the present revision has been filed.



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3.The contention of the learned counsel for petitioner is that petitioner has got fair chance and ready to proceed with the trial and it is only a technical offence under Section 138 of the Negotiable Instruments Act. The petitioner is not disputing the identity and he also undertakes to proceed with the trial in his absence, later he will not dispute or question the evidence recorded, he would co-operate with the trial and complete the trial within a period of three months.

4.Recording the above submission, the trial Court is directed to recall the Non Bailable Warrant issued against the petitioner, following the decision of Hon'ble Apex Court in the case of ***Bhaskar Industries Ltd. vs. Bhiwani Denim and Apparels Ltd. and others*** reported in ***(2001) 7 SCC 401***, permit the petitioner to be represented by his counsel, proceed with the trial and dispose of the same within a period of three months from the date of receipt of a copy of this order.



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M.NIRMAL KUMAR, J.

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5.With the above directions, the Criminal Revision Case is disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

30.08.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

1.The Metropolitan Magistrate,
Fast Track Court-II at Allikulam,
Chennai.

2.The Public Prosecutor,
High Court, Madras.

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and Crl.M.P.No.12011 of 2024