



CrI.O.P.No.2863 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.2863 of 2024
and CrI.M.P.No.2066 of 2024

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 Mohammed Saalim

... Petitioners

Vs.

1.M/s.United Enterprise
rep.by its Managing Partner
Mr.N.Srinivasan

2.Mr.Arcot Mohammed Aslam

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 06.11.2023 made in C.M.P.No.3852/2023 in S.T.C.No.383 of 2020 on the file of the District Munsif cum Judicial Magistrate Court, Ranipet.

For Petitioners : Mr.S.Sri Ranjini



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ORDER

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This petition has been filed challenging the order passed by the Court below, in C.M.P.No.3852 of 2023 filed under Section 311 of Cr.P.C to recall P.W.1 for further cross examination.

2. This Court carefully considered the submissions of the learned counsel for the petitioners and also perused the materials available on record.

3. The petitioner wants to rely upon the order passed by the National Company Law Tribunal, Chennai, and for that purpose, the petitioner wanted P.W.1 to be recalled for further cross examination. This application has been dismissed by the Court below on the ground that the petitioner had cross examined P.W.1 on two earlier occasions and that the petitioner has not stated as to why further cross examination is required.

4. The petitioner was facing yet another case in S.T.C.NO.384/2023. The respondent/complainant was also the same. An earlier application came to be filed in that complaint also and it was dismissed. It was taken on appeal before this Court in Crl.O.P.No.28240



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of 2023. This Court disposed of the petition by an order dated 20.12.2023 in the following manner:

"5. In the order of the learned District Munsif cum Judicial Magistrate, reasons given for negating the request for recalling PW1 was that PW1 had been cross examined on two occasions and therefore, substantial cross examination had been completed and therefore, further cross is not required. The learned District Munsif cum Judicial magistrate had also stated about the order dated 20.09.2023, passed by the National Company Law Tribunal, Chennai and stated as a reason that the marking of the same and putting questions relating to the said order would not be required. The issues before the National Company Law Tribunal, Chennai, can be argued and I am confident that the learned District Munsif cum Judicial Magistrate would give ample opportunity to the petitioners herein to advance arguments.

6. Additionally, a certified copy of the order of the National Company Law Tribunal, Chennai, can be taken on record by the learned District Munsif cum Judicial Magistrate, Ranipet and given an exhibit number in the manner the learned District Munsif cum Judicial Magistrate deems fit and argument may be present simultaneously along with the arguments in S.T.C.No.384/2020."

5. This petition can also be disposed of in terms of the above order.

N.ANAND VENKATESH, J.

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6. In view of the above, there shall be a direction to the petitioner to file certified copy of the order of the National Company Law Tribunal, Chennai, which can be taken on file by the Court below by giving it an Exhibit number. Thereafter, the Court below can proceed to hear the final arguments in S.T.C.No.383 of 2020.

7. This Criminal Original Petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed.

13.02.2024

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
sk

To

1.The District Munsif cum Judicial Magistrate Court,
Ranipet.

2.The Public Prosecutor,
High Court, Madras.

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