



Crl.O.P.No. 1329 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 1329 of 2025
and Crl.M.P.No.739 of 2025

Gowri Shankar

..... Petitioner

Vs

M/S.TN Oxygen Pvt Ltd
Rep By Its Manager P.Srinivasan,
No.118, 5th Cross Street,
Collectorate Colony,
Aminjikarai,
Chennai.

..... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to set aside the impugned docket order dated 03.01.2025 passed STC.No.2679 of 2023 by the XXV Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.Mothilal
For Respondent : Mr.S.R.Varun Karthik

ORDER

This Criminal Original Petition has been filed challenging the docket order dated 03.01.2025 passed in STC No.2679 of 2023 by the XXV Metropolitan Magistrate, Egmore, Chennai, thereby closed the defence side evidence and has posted the matter for final arguments.



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2. The petitioner is an accused in the complaint lodged by

the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act in STC No.2679 of 2023. After the examination of D.W.1, the petitioner intended to examine the Manager of RBL Bank as a defence witness. Accordingly, on receipt of the batta, the Trial Court issued a witness warrant against the Manager of RBL Bank. However, the said warrant was not executed for a long time and as such, the Trial Court closed the warrant and consequently closed the defence side evidence.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an authorised direct sale agent of AXIS Bank only and he has no connection with RBL Bank, but it was only on the compulsion of the respondent, that the petitioner had agreed to assist with the loan process from the RBL Bank. It is on the agreement of the petitioner and the respondent, the petitioner has issued an undated cheque for a sum of Rs.5,00,000/- as a loan which the respondent promised to pay back after availing the loan. It was further contended that the petitioner had sufficient funds and there is no legally enforceable debt.



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4. The learned counsel appearing for the respondent would submit that the main allegations as against the petitioner is that the petitioner acted as an agent of the RBL Bank and had assured the respondent that he would facilitate a loan in favour of the respondent from the RBL Bank. Thereafter, after scrutiny of the loan documents by the Bank, the petitioner communicated to the respondent that a processing fees of Rs.6,75,000/- (0.75% of loan amount of Rs.9,00,00,000/-) was payable. The respondent has conveyed to the petitioner that the said amount was too high, and he said that he will not be willing to avail the said loan if the processing fee is not in line with the other banks. Thereafter, it is alleged that the petitioner convinced the respondent to avail the loan from the RBL Bank with a promise to reimburse a sum of Rs.5,00,000/- from the commission of the petitioner from RBL Bank and had in turn issued a cheque and the same was returned with an endorsement “Contact Drawer Drawee Bank”. Hence, the complaint.

5. Heard the learned counsel appearing on either side and perused the materials available on record.



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6. In view of the above submissions, it can be seen that the

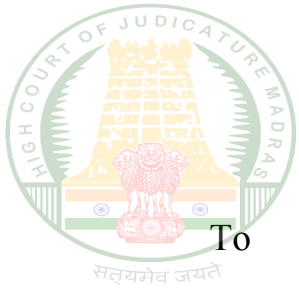
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transaction in question involves the petitioner and the respondent only and the RBL bank manager or any other Authorised Person of the Bank is in no way connected to the same. Even the averments of the parties do not whisper about the involvement of the Bank officials in the above stated transaction. Hence, the Trial Court has rightly closed the defence side evidence and the matter is now posted for arguments.

7. In view of the above, this Court finds no infirmity or illegality in the docket order dated 03.01.2025 passed in STC No.2679 of 2023 by the XXV Metropolitan Magistrate, Egmore, Chennai. Accordingly, this Criminal Original Petition stands dismissed. However, the Trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

06.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

WEB COPY The XXV Metropolitan Magistrate
Egmore, Chennai.



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G.K.ILANTHIRAIYAN, J.

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