



Crl.R.C.No.213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

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

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M/s.Mardia Sons Holdings Private Limited,
Represented by its Manager,
I.Kasi Srinivasulu,
No.5, Damodaran Street,
Kells, Chennai-600 010.

..... Petitioner

Vs

1.M/s.Strategem Engineers India Private Limited (A-1),
Represented by its Directo, Mr.Sunil Daniel Amoli,
No.5, Gulmohar Complex (near post office),
Wadgoan Sheri, Pune-411 014.

2.Mr.Sunil Daniel Amolik (A-2),
Director,
M/s.Strategem Engineers India Private Limited (A-1),No.5, Gulmohar
Complex (near post office),
Wadgoan Sheri, Pune-411 014.

3.Mrs.Lidiya Sunil Daniel (A-3),
Director,
M/s.Strategem Engineers India Private Limited (A-1),No.5, Gulmohar
Complex (near post office),
Wadgoan Sheri, Pune-411 014.

..... Respondents



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PRAYER: Criminal Revision Case is filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order dated 20.01.2023, passed in CC.No.1266 of 2015, on the file of the Learned VIII Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.K.Surendar
For Respondents : No Appearance

ORDER

This Criminal Revision has been filed as against the order passed in C.C.No.1266 of 2015 dated 20.01.2023 on the file of the Learned VIII Metropolitan Magistrate, George Town, Chennai thereby dismissed the complaint for non-prosecution.

2. The petitioner is the complainant and lodged a complaint for the offences punishable under Section 138 of Negotiable Instruments Act. After taking cognizance, the trial court issued notice to the respondents. After receipt of the notice, the respondents failed to appear before the trial court and as such the trial court issued NBW as against the respondents. However, the petitioner did not take any steps to execute the NBW and it was pending for long years. Therefore, the complaint was dismissed for default.

3. The learned counsel appearing for the petitioner would submit



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that even while pending the NBW, it was referred before the Lok Adalat and the respondents had settled 50% of the cheque amount. If one more opportunity is given to the petitioner, the entire cheque amount will be settled.

4. Considering the above submissions, this Court is inclined to set aside the order set passed by the trial court. Accordingly, the order dated 20.01.2023 passed in C.C.No.1266 of 2015 by the learned VIII Metropolitan Magistrate, George Town, Chennai is hereby set aside. The trial court is directed to issue fresh notice to the respondents and proceed with the trial and complete the same within a period of six months from the date of receipt of a copy of this order. The petitioners shall co-operate with the trial for disposal of the trial.

5. In the result, this Criminal Revision case is allowed.

16.07.2025

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

G.K.ILANTHIRAIYAN, J.



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Nhs

WEB COPY

To

1. The learned VIII Metropolitan Magistrate,
George Town, Chennai.

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