



Crl.A.No.763 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 03.07.2025

CORAM

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

Crl.A.No.763 of 2025

Mercedes-Benz Financial Services India Private Limited,
(formerly known as M/s.Daimler Financial Services India
Private Limited)

Having its Registered Office at Unit 202, 2nd floor,
campus 3B, RMZ Millennia Business Park,
No.143, Dr.MGR Road,
Perungudi, Chennai – 600 096.

Represented by its Authorized Signatory
Mr. Sadam Hussain

.....Appellant / Complainant

Vs

1. M/s. Annapurna Trambakeshwar Mining
Rep. by its Authorised Signatory,
Mr.Jitendra Singh Rana
Gonudih Khas, Kendua Colliery,
Ponnusamy-Kusunda, Dhanbad – 828 116
Jharkhand.

Also at
208, Vintage Point,
67, Sampat Rao Colony
NR Mosonic Hall,
Vadodara – 390 0007.

2. Mr.Jitendra Singh Rana
Authorized Signatory / Partner,
M/s. Annapurna Trambakeshwar Mining
A/19, Shivashray Society,



NR Petrol Pump, Vasna Road,
Vadodara – 390 021.
Dhanbad – 390 020.

3. Mrs. Deepika Jitendra Sigh Rana
Partner,
M/s. Annapurna Trambakeshwar Mining
A/19, Shivashray Society,
NR Petrol Pump, Vasna Road,
Vadodara – 390 021.
Dhanbad – 390 020.

.... Respondent/Accused

Prayer: Criminal Appeal filed under Section 419 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in CC 164 of 2018 on the file of learned Metropolitan Magistrate, Fast Track Court – I, Chennai and set aside the order dated 04.12.2024, acquitting the respondents / accused herein of the offence under Section 138 of Negotiable Instrument Act.

For Appellant : Mr.M.Arunachalam

JUDGMENT

This Criminal Appeal has been preferred as against the order dated 04.12.2024 passed in C.C. No.164 of 2018 on the file of learned Metropolitan Magistrate, Fast Track Court – I, Chennai, thereby dismissing the complaint filed by the petitioner.



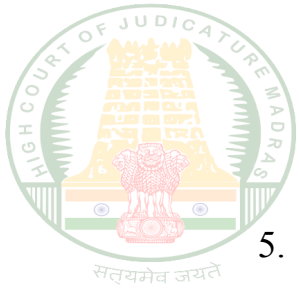
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2. The appellant is the complainant and the respondents are the accused in the complaint lodged by the appellant for the offence punishable under Section 138 of Negotiable Instruments Act. The trial Court had taken cognizance and issued summons to the respondents. Pending trial, the appellant was absent before the trial Court on 04.12.2024 and therefore the trial Court has dismissed the complaint for non-prosecution.

3. Mr.M.Arunachalam, the learned counsel for the appellant, would submit that the trial is pending from the year 2018. Though the accused was summoned, they failed to appear before the trial Court and as such the trial Court has issued Non-Bailable Warrant on two occasions. On the date of hearing the petitioner could not able to appear before the trial Court.

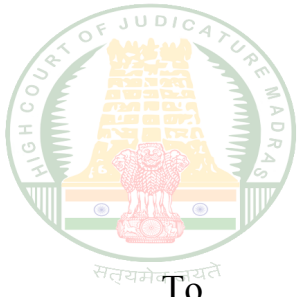
4. Considering the facts and circumstances of the case, this Court is inclined to give one more opportunity to the appellant to put forth his complaint before the trial Court.



5. Accordingly, this Criminal Appeal is allowed and the order dated 04.12.2024 passed in C.C. No.164 of 2018 on the file of learned Metropolitan Magistrate, Fast Track Court – I, Chennai, is hereby set aside. The Metropolitan Magistrate, Fast Track Court – I, Chennai, is directed to issue fresh non-bailable warrant to the respondents and proceed with the trial and the petitioner shall co-operate for the trial.

03.072025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Interned : Yes
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The Metropolitan Magistrate, Fast Track Court – I,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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