



Crl.A.No.1227 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM:

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

Crl.A.No.1227 of 2025

Axis Bank Limited
Represented by its Assistant Vice President
Chella Balasubrahmanyam
Southern Recovery Cell, No.192, 2nd Floor,
Karumuthu Nilayam, Annasalai,
Chennai 600 002
currently represented by its Assistant Vice President
Eswaraiah,
Structured Assets Group (South), Javahar Towers,
1st Floor, New No.3, (Old No.2),
Club House Road, Anna Salai, Chennai 600 002 ... Appellant
Vs.

1.M/s.MBS Impex Private Limited,
Represented by its Managing Director
Sukesh Prakashchand Gupta,
1st Floor, 125, M.G.Road,
Secunderabad 500 003
Andhra Pradesh
Also at:
M/s.MBS Impex Private Limited,
No.5-9-45, Basheerbagh,
Hyderabad 500 063
2.Sukesh Prakashchand Gupta ... Respondents

PRAYER: Criminal Appeal filed under Section 419 of BNSS, praying to call for the records of the impugned order dated 04.12.2024 in CC.No.1176 of 2018 on the file of the learned Fast Track Court-I,



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Metropolitan Magistrate at Allikulam, Chennai and set aside the same and consequently restore the complaint before the said court.

For Appellant : Mr.V.P.Krishnamoorthy

JUDGMENT

This criminal appeal has been preferred against the order dated 04.12.2024 passed in CC.No.1176 of 2018 on the file of the learned Fast Track Court-I, Metropolitan Magistrate at Allikulam, Chennai.

2. Heard, the learned counsel appearing for the appellant and perused, all the materials placed before this Court.

3. On perusal of records, it is revealed that the appellant is the complainant and the respondents are the accused in the complaint lodged for the offence punishable under Section 138 of NI Act. Though it was taken cognizance by the trial court, the same was dismissed for default for the reason that the complaint had been pending for warrant and though sufficient time was given, steps were not taken by the complainant. However, this Court is inclined to give one more opportunity to the appellant to put forth their case.



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4. In view of the above, the impugned order dated 04.12.2024

passed in CC.No.1176 of 2018 on the file of the learned Fast Track Court-I, Metropolitan Magistrate at Allikulam, Chennai, is set aside and the matter is remanded back to the trial court. The trial court is directed to issue fresh summon to the respondents and proceed with trial. It is made clear that the appellant shall cooperate for trial.

5. With the above directions, this criminal appeal stands allowed.

13.08.2025

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

G.K.ILANTHIRAIYAN, J.

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WEB COPY

To
1.The learned Fast Track Court-I, Metropolitan Magistrate at Allikulam,
Chennai
2.Sukesh Prakashchand Gupta,
Managing Director,
M/s.MBS Impex Private Limited,
1st Floor, 125, M.G.Road,
Secunderabad 500 003
Andhra Pradesh
Also at:
M/s.MBS Impex Private Limited,
No.5-9-45, Basheerbagh,
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