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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.A.No.734 of 2023

M/s Pondicherry Agro Foods Private Limited
Rep by its Authorized Signatory,
Mr.S.Yuvaraj S/o Sambath Kumar
Having its Registered Office at
Door No.S-1, Also Mall,
No.4 Old No.149 Montieth Road, Egmore,
Chennai – 600 008

... Appellant

Vs.

Mr.Parthasarathy ... Respondent

PRAYER: This petition is filed under Section 378 of (4) of Cr.P.C to call for the records in C.C.No.3816 of 2019 passed by the Chief Metropolitan Magistrate Court, Fast Track II at Allikulam complex, Egmore Chennai and set aside the impugned Judgment dated 25.11.2022 and subsequently reopen the case for trial and pass orders.

For Appellant : Ms. Sithi Fathima Samt for Mr.Yusuf
For Respondent : Mr. N. Vjay Raj

JUDGMENT



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passed by the Chief Metropolitan Magistrate Court, Fast Track II at Allikulam complex, Egmore Chennai and set aside the impugned Judgment dated 25.11.2022 and subsequently reopen the case for trial and pass orders.

2. The appellant is a manufacturer of branded wheat produces and spices and the accused has purchased the products from the appellant to a tune of Rs.15,14,300/- and there was dispute with regard to payment. The accused has paid only a minimum amount and a sum of Rs.14,25,781/- is pending. The cheque given by the accused was also returned by the bank stating "Account Closed" The appellant issued a statutory notice on 01.10.2014, even though after the receipt of the notice, the accused did not turn up. Hence the appellant filed a complaint in the year 2015 before the Judicial Magistrate V Salem and the same was transferred to the Chief Metropolitan Magistrate Court, Fast Track II at Allikulam complex Egmore, Chennai. The sum and substance of the case is that the complainant was absent for the hearing continuously, due to which the learned Magistrate passed an order on 25.11.2022 and acquitted the respondent. Aggrieved over the same the appellant has filed the present



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appeal.

3. The learned counsel for the appellant submitted that the erstwhile authorized signatory had resigned from the company and since the director of company was handling compliance and legal, due to his condition he was unable to appoint an authorized signatory and appear in person for last few hearings. However, the Court had erroneously dismissed the complaint on 25.11.2022 and discharged the accused on the basis of absence of the appellant for two hearings.

3. The learned counsel for the respondent submits that the complainant was not interested in prosecuting the case and initially they have filed the case before the Judicial Magistrate V Salem and the same was transferred to the Chief Metropolitan Magistrate Court, Fast Track II at Allikulam complex Egmore, Chennai. He further submitted the complainant failed to appear for several hearings, hence the Trial Court has rightly dismissed the petition and the same does not warrant interference by this Court.

4. On perusal of the adjudication sheet of the C.C.No.3816 of 2019 in the Chief Metropolitan Magistrate Court, Fast Track II at Allikulam complex, Egmore Chennai it reveals that the case was initially taken up



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for hearing on 17.11.2019 and for several hearings the respondent was also absent. Further more there was Covid-19 pandemic during the said period, due to which there will be inconvenience on the part of the complainant and the respondent to appear before the Court. Hence, the Judgment passed in C.C.No.3816 of 2019 by the Chief Metropolitan Magistrate Court, Fast Track II at Allikulam complex, Egmore Chennai is set aside and this appeal is allowed. The appellant is directed to proceed the case in the manner known to law to re-open or rehear the matter.

16.09.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

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To

The Chief Metropolitan Magistrate Court, Fast Track II at Allikulam complex, Egmore Chennai



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T.V.THAMILSELVI, J.

smn

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