



Crl.A.No.755 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2025

CORAM

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

Crl.A.No.755 of 2025

Avanse Financial Services Limited
Rep. by its Authorized Signatory, Mr.Ashok Kumar,
Its Corporate Office at
Avanse Financial Corporate Office,
001 and 002 Fulcrum, A-wing,
Ground Floor,
Sahar Road Next to Hyatt Regency,
Andheri East, Mumbai,
Maharashtra-400009
and its Branch Office at
No.309, 2nd Floor,
Bay City Centre,
Poonamallee High Road,
Above Maruti
Kapico Showroom,
Kilpauk,
Chennai - 600 010. Appellant

Vs

1. St. Marys Educational Trust,
Rep by its authorised signatory Mrs.Anitha,
No.1/132, EADT Street,
Vembur, Tuticorin-628906.



2. Anitha

Authorised Signatory of
St.Marys Matriculation School,
No.108 D, Local Fund Road,
Salai Street,
Ramanathapuram – 623 501.

..... Respondents

Prayer: Criminal Appeal filed under Section 419 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, to allow the Criminal Appeal and set
aside the order dated 27.02.2025 passed in S.T.C.No.3571 of 2024 by the
Learned Metropolitan Magistrate FTC-I, Egmore at Alliklam.

For Appellant : Mr.S.Thirukkumaran

JUDGMENT

This Criminal Appeal has been preferred as against the order dated
27.02.2025 passed in STC No.3571 of 2024 on the file of the
Metropolitan Magistrate, Fast Track Court No.I, Egmore at Allikulam,
Chennai, thereby dismissing the complaint filed by the appellant for the
offence punishable under Section 138 of the Negotiable Instruments Act.

2. Heard the learned counsel appearing for the appellant and
perused the materials available on record.



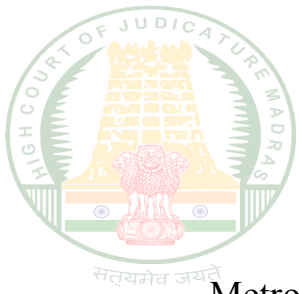
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3. The appellant is the complainant and the respondents are the accused in the complaint filed by the appellant for the offence punishable under Section 138 of the Negotiable Instruments Act. The appellant Company was represented by its authorised signatory of one Ashok Kumar. However, at the time of filing the complaint, one Navin was the authorized signatory of the Company and was examined as P.W.1. Subsequently, due to a change in the management, one Ashok Kumar was appointed as authorized signatory of the appellant Company. Therefore, the said Navin is no longer in a position to appear before the Trial Court.

4. In view of the above, this Court is inclined to give one more opportunity to the appellant to file an application before the Trial Court to substitute the newly appointed authorised signatory to represent on behalf of the appellant.

5. In the light of the above discussions, the order dated 27.02.2025 passed in STC No.3571 of 2024 on the file of the



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Metropolitan Magistrate, Fast Track Court No.I, Egmore at Allikulam, Chennai, is hereby set aside. The Trial Court is directed to issue fresh summons to the accused and proceed with the case in accordance with law. The appellant shall file an application for substitution of the authorized signatory within a period of one week from the date of receipt of a copy of this order. It is made clear that the Trial Court shall issue summons to the newly authorised signatory of the appellant and proceed with the trial afresh.

6. In the result, this Criminal Appeal stands allowed.

02.07.2025

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

To
The Metropolitan Magistrate,
Fast Track Court No.I,
Egmore at Allikulam, Chennai,



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G.K.ILANTHIRAIYAN, J.

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