



*CrI.O.P.No.10955 of 2025*

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

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

CrI.O.P.No.10955 of 2025

1.Sarain foway ITES India Private Limited  
represented by its Authorised Signatory / Director,  
Smita Gupta,  
6-3-886/A, flat No.102, Mayana Plaza,  
Greenland Main Road, Begumpet,  
Hydrabad-500 016  
2.Smita Gupta  
3.Rajiv Gupta

... Petitioners

Vs.

3i Medical Technologies Private Limited  
Rep By its Authorised Representative  
Sangeeth Joseph Jacob  
2<sup>nd</sup> floor, Reflex Towers, Sterling Road Signal 313,  
Valluvar Kottam High Road,  
Nungambakkam, Chennai 600 034

.. Respondent

**PRAYER:** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-II at Allikulam, Chennai, to take on file and consider the petitions filed in Sr.No.unnumbered in STC.No.418 of 2015 within the time frame prescribed by this Court.



WEB COPY



*Crl.O.P.No.10955 of 2025*

For Petitioners : Mr.K.Sakthivel

### **ORDER**

This Criminal Original petition has been filed to direct the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-II, to take on file and consider the petitions filed in Sr.No.unnumbered in STC.No.418 of 2015 within the time frame prescribed by this Court.

2. The case of the petitioner is that the respondent company preferred a case in STC.No.418 of 2025 before the Metropolitan Magistrate, Fast Track Court at Magisterial Level-II, Allikulam under Section 138 of NI Act against the petitioners, wherein the first petitioner is a company, and the second and third petitioners are its directors. In the above case, though summon was issued to the petitioners to appear for hearing on 28.02.2025, due to severe health issues and due to the fact that they are residing in Hyderabad and not in Chennai, the second and third petitioners appeared through video conference. However, access was denied and their absence was marked. Thereafter, bailable warrant was issued against the petitioners posting the matter for hearing on 13.03.2025. Thereafter, a recall petition under Section 72(2) of BNSS and



*Crl.O.P.No.10955 of 2025*

WEB COPY

a petition for exemption from appearance under Section 228 of BNSS were filed, which were posted for filing counters on 26.03.2025. According to the petitioners, due to the pending of the bailable warrant, the Hyderabad Police visits the petitioners' residence and demands execution of bailable warrant from time to time.

3. Heard the learned Counsel appearing for the petitioner and perused the materials placed on record.

4. Though the petitioners already filed a recall petition and a petition for exemption from appearance before the court below, this Court is not inclined to direct the Magistrate to consider the exemption petition. However, the petitioners 2 & 3 are directed to appear before the learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-II at Allikulam, Chennai on the next hearing date. On such appearance, the learned Magistrate is directed to consider the recall petition on its own merits in accordance with law and pass orders on the same day. Further, mere direction issued by this Court to consider the recall petition on the same day, does not amount to direction to consider the recall petition



*Crl.O.P.No.10955 of 2025*

favourably.

WEB COPY

5. With the above direction, this Criminal Original Petition is disposed of.

15.04.2025

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



*Crl.O.P.No.10955 of 2025*

WEB COPY

To

- 1.The learned Metropolitan Magistrate, Fast Track Court at Magisterial Level-II at Allikulam, Chennai
- 2.Sangeeth Joseph Jacob,  
Authorised Representative,  
3i Medical Technologies Private Limited,  
2<sup>nd</sup> floor, Reflex Towers, Sterling Road Signal 313,  
Valluvar Kottam High Road,  
Nungambakkam, Chennai 600 034



WEB COPY



*Crl.O.P.No.10955 of 2025*

**G.K.ILANTHIRAIYAN, J.**

lok

Crl.O.P.No.10955 of 2025

15.04.2025