



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP Nos. 18170, 18173, 19709, 17886, 18131, 18083 & 18933 of 2025 &
Crl.M.P.Nos.13575, 12744, 11875,11878, 11977 ,11545 & 11941 of 2025**

M. Thiagarajan
Managing Director,
M/s.Paramount Airways Pvt. Ltd.,
having corporate office at
Alexander Square, 2nd Floor, No.35,
Sardar Patel Road, Guindy,
Chennai 600 032

.. Petitioner in Crl.OP.Nos.18170,
18173, 17886, 18131, 18083 & of 2025

M. Thiagarajan
Managing Director,
M/s.Paramount Airway Pvt. Ltd.,
A-21, Lankaram Street, Thiru Nagar,
Madurai 625 006.

.. Petitioner in Crl.OP.Nos.18933 &
19709 of 2025

Vs

M/s. Hindustan Petroleum Corporation
Ltd.,
Aviation Service Facility,
Chennai Airport, Pallavaram Cantonment,
Chennai 600 043.

Respondent(s) in OPs



COMMON PRAYER: Petition filed under Section 482 of Cr.P.C., to set aside the order dated 14.05.2025 passed by the FTC-II Metropolitan Magistrate Court, Egmore, Chennai in CrI.M.P.Nos.6396, 6399, 6397, 6401, 6395, 6400, 6398 of 2025 by allowing this Criminal Original Petition.

For Petitioner(s) in Mr.B. Mohan for
all OPs: Mr.M.Sathiavel

For Respondent(s) in Mr.M.Vijayan for
all OPs: M/s.King & Patridge

ORDER

This Criminal Original Petition has been filed challenging the order passed by the court below in allowing the petition filed under section 311 of Cr.PC., in CrI.M.P.No.6396 of 2025 seeking to recall complainant side evidence and examine it as PW2.

2. It is the contention of the petitioner that the respondent herein has filed a complaint against M/s.Paramount Airways Pvt. Ltd., and 4 others u/s.138 of Negotiable Instruments Act, alleging dishonour of cheque issued by A1 company. It was stated in the complaint that the petitioner herein has acted as Managing Director of A1 company during issuance of alleged cheque. He further submitted that A2 in C.C.No.2178 of 2018 was resigned from the post of Managing Director of A1 company as early as on 05.09.2009. In this



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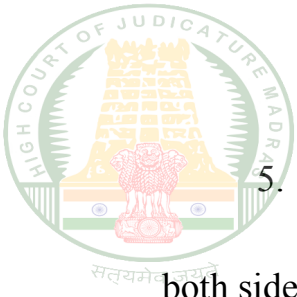
regard, he had already filed Form 32. It is marked during cross examination of PW1. When the matter came for arguments, when the learned trial Judge has pointed out to the other side on the reply to Form 32 filed by the petitioner/A2 regarding his retirement from the complainant company on 05.09.2009, an application has been filed by the respondent/ complainant under section 311 of Cr.P.C., to reopen the evidence and to examine his witness as PW2 to show that there are documents available with them to show that A2 acted as a Managing Director of A1 company and he was in charge of such company during issuance of alleged cheque. The trial court allowed that application on the ground that proposed evidence is necessary to explain the ambiguity in the earlier part of evidence and also to explain the misanalysed issue in the present case. According to the petitioner, allowing such application amounts to filling up of lacuna on the side of the complainant. Hence, he prayed for setting aside the order.

3. Heard the arguments of both sides and perused the impugned order and other materials available on record.



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4. The trial court has allowed the application to the effect to file certain documents by the complainant to show that petitioner/A2 was actually in charge of the A1 company when a stand has been taken by petitioner/A2 that he was resigned from the company as early as on 05.09.2009. The crux of the issue is as to whether A2 has resigned from the A1 company from 05.09.2009 and whether he was in charge of A1 company or not during the relevant period of time has to be decided in the course of letting in evidence before the trial court. It is asserted by the petitioner that he was no way connected with A1 company from 05.09.2009, whereas it is the assertion of the respondent/ complainant that despite such alleged resignation from the company as early as on 05.09.2009, Form 32 resignation was only given on 24.06.2011, therefore, till such time A2 was very much incharge of the company and he also involved in the affairs of the company by signing certain documents. Therefore, in order to prove the above stand of the respondent/complainant through relevant documents, an application has been filed to recall complainant side evidence and examine PW2.



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5. Considering the nature of the allegations and assertion and denial of both sides, this court is of the view that particular factum in issue i.e., whether the person was incharge of the A1 company or not during the period of issuance of cheque, has to be seen in the context of the evidence before the trial court.

6. In such a view of the matter, the trial court has granted permission to reopen the evidence on the respondent/complainant side on condition to produce complainant's witness on the next hearing itself. In view of the above, this court cannot construe that the same would lead to filling up of lacuna. The petitioner is also permitted to cross examine the witness sought to be examined on the respondent/complainant side and the respondent is also at liberty to produce the documents supporting his defense.

7. In view of the foregoing discussions, this court is of the view that the Criminal Original Petition is devoid of merits and hence the same is hereby dismissed. Consequently, the connected miscellaneous petitions are closed.



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8. The trial court is directed to conduct trial and dispose of the calender case(s) as expeditiously as possible.

msr

22-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The FTC-II Metropolitan Magistrate
Court, Egmore, Chennai



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N.SATHISH KUMAR J.

msr

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