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CRL RC No. 1624 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1624 of 2025

AND

CRL MP NO. 16630 OF 2025

1. L.Kesavan

S/o. Loganathan, Proprietor of M/s.
Suresh Electricals, having His office at
Door No. 60/10, Chennai Bye pass
Road, Tiruttani - 631209. Thiruvallur
District.

Petitioner(s)

Vs

1. Khudathullah Mohammed Faiyaz,
Proprietor, Metro Precast Products,
No.12, MNR Nagar, Arigallipadi
Village, Thakolam Post - 631151,
Arakkonam Taluk, Ranipet District.

2.K.Suresh

S/o. L.Kesavan, No.60/10, Chennai
Bye pass Road, Tiruttani - 631209,
Thiruvallur District.

Respondent(s)

CRL RC No. 1624 of 2025

PRAYER

To set aside the order dated 12.08.2025 passed by the Learned Judicial
magistrate, Tiruttani in Crl.MP.No.6201/2024 in STC.No.301/2024 .

CRL RC No. 1624 of 2025



WEB COPY

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For Petitioner(s): P.Krishnan
R.Arthi

Affidavit Of Service Filed

For Respondent(s): R.Ravichandran
R.Sivanathan-ms/2249/2003
R.Anbazzhagan
V.Muthupandi
R.Praveen Raj For R1
Court Notice Served For R2
R-2 K.SURESH S/o. L.Kesavan,
No.60/10, Chennai Bye Pass
Road, Tiruttani - 631209,
Thiruvallur District.
Private Notice Permitted - Proof
Filed For R1 - Served
Private Notice Permitted - Proof
Not Filed For R2

ORDER

This Criminal Revision Case has been filed to set aside the order dated 12.08.2025 passed by the Learned Judicial magistrate, Tiruttani in Crl.MP.No.6201/2024 in STC.No.301/2024.

2. The brief facts of the case:

The petitioner herein filed a complaint in S.T.C No. 301 of 2024, on the file of the Judicial magistrate, Tiruttani, stating that the respondent/accused dishonoured cheque for the value of Rs.1,15,33,173/- drawn on M/s. Federal Bank, Arankonam Branch, dated 24.01.2024 vide cheque bearing No. 017472 in favour of M/s. Suresh Electricals. Due to his ailment and age the petitioner was not able to appear in person before the Trial Court. Hence, he has given power



of attorney in favour of his son namely K. Suresh and filed a petition in Crl. MP. No. 6201 of 2024 in S.T.C No. 301 of 2024, on the file of the Judicial magistrate, Tiruttani, seeking to permit his son cum Power of Attorney namely Thiru.K. Suresh, to represent and to give evidence on his behalf, since the Power of Attorney is well aware of the facts of the case, and he is having direct knowledge of the business in carrying day to day activities of the business running under the name and style of M/s. Suresh Electricals.

3. The said petition was contested by the respondent herein/accused by filing counter.

4. On hearing both sides, the Trial Court dismissed the said petition by holding that the Power of Attorney would not have personal knowledge of the cash transaction. Challenging the same, the petitioner filed this Criminal Revision Case.

5. The learned counsel for the petitioner submits that the petitioner is age about more than 70 years and he is suffered with Parkinson disease, so he gave Power of Attorney to his son, who has accompanied him from the year 2009 and the cash transaction was happened in the year 2024. So, the petitioner's son is very much aware of the entire business transaction, who is the right person to speak about the transaction between the petitioner and the respondent/accused. However, without considering the above, the Trial Court dismissed the petition by holding that the Power of Attorney would not have personal knowledge of the cash transaction. Further, he relied on the judgements of the Hon'ble



Supreme Court in the case of *A.C. Narayanan Vs. State of Maharashtra and another* reported 2024 11 SCC 790:

33.2. The Power of Attorney holder can depose and verify on oath before the Court in order to prove the contents of the complaint. However, the power of attorney holder must have witnessed the transaction as an agent of the payee/holder in due course or possess due knowledge regarding the said transactions.

5.1. He submits the petitioner is not able to adduce his evidence due to his present ailment and the age factor. Hence, he prays to allow this Criminal Revision Case.

6. The learned counsel for the first respondent submits that the lower Court has rightly passed the order which needs no interference.

7. Heard both sides.

8. Considering the facts of the case, the petitioner has lodged a complaint before the Trial court stating that the respondent/accused dishonoured cheque for the value of Rs.1,15,33,173/- drawn on M/s. Federal Bank, Arankonam Branch, dated 24.01.2024 vide cheque bearing No. 017472 in favour of M/s. Suresh Electricals. Due to his ailment and age the petitioner was not able to appear in person before the Trial Court. Hence, the petitioner has filed a petition seeking to permit his son cum Power of Attorney namely Thiru.K. Suresh, to represent and to give evidence on his behalf, since the Power of Attorney is well aware of the facts of the case, and he is having direct knowledge of the business in carrying day to day activities of the business running under the name and style of M/s. Suresh Electricals. A perusal of



records, it shows that the alleged cheque involved in this case is of the year 2024 and the petitioner's son/Power of Attorney accompanied with his father/petitioner from the year 2009 which shows that the Power of Attorney is having personal knowledge of the petitioner's business transaction. Further, as held by the Hon'ble Supreme Court in the case of *A.C. Narayanan Vs. State of Maharashtra and another reported 2024 11 SCC 790*, the petitioner's son/power of Attorney is entitled to represent and to give evidence on his behalf. However, without considering the above, the Judicial magistrate, Tiruttani, has dismissed the petition as such is erroneous and liable to be set aside. The petition filed by the petitioner in Crl. MP. No. 6201 of 2024 in S.T.C No. 301 of 2024, on the file of the Judicial magistrate, Tiruttani, is allowed and the petitioner's son/Power of Attorney namely Thiru.K. Suresh, is permitted to to represent and to give evidence on behalf of the petitioner. Since the petitioner is aged about 70 years the Judicial Magistrate, Tiruttani, is directed to complete the Trial within a period of three months from the date of receipt of a copy of this order.

9. In the result, this Criminal Revision Case is allowed. Pending petition(s), if any, is/are closed.

24-11-2025

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To

The Judicial magistrate, Tiruttani.



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CRL RC No. 1624 of 2021



T.V.THAMILSELVI J.

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