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CRL RC(MD)No.444 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.444 of 2025

and

CRL MP(MD)No.4561 of 2025

Sri Gokulam Chits and Finance
Ltd.,
Through its Power Agent and
Deputy Manager,
Robinson

... Petitioner/ Petitioner

Vs.

Regina Mary

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the entire records connected with the impugned order dated 27.08.2024 in M.P.No.7 of 2024 in S.T.C.No.255 of 2021 on the file of the learned Special Court for Exclusive Trial of Cases under Negotiable Instruments Act, Tirunelveli, and set aside the same.

For Petitioner : Mr.S.Malaikani

For Respondent : Mr.S.Sukumar

ORDER

Challenging the order passed by the learned Special Court for Exclusive Trial of Cases under Negotiable Instruments Act, Tirunelveli, in M.P.No.7 of 2024 in S.T.C.No.255 of 2021, dated 27.08.2024, this Criminal



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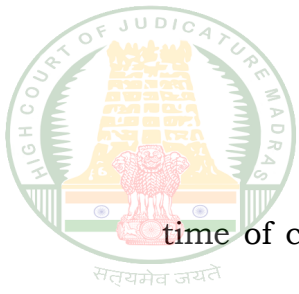
Revision case is filed.

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2. The petitioner herein is the complainant before the learned Trial Court in S.T.C.No.255 of 2021. The respondent herein who is the accused before the learned Trial Court filed an application under Section 243(2) of the Code of Criminal Procedure, 1973, seeking permission of the learned Trial Court to examine the list of witnesses in serial number 1 to 5 produced along with the petition.

3. The petitioner herein had filed a counter affidavit and had made strong arguments that the said petition was not maintainable in law and the same has been filed only with an intention to protract the proceedings. The complainant is the Power Agent of the Managing Director of the company. By the strength of the Power of Attorney executed by the Managing Director of the complainant company, one Robinson, S/o.Rajaiayan, who is the Deputy Manager of Sri Gokulam Chits and Finance Limited, is conducting the said case in the capacity of complainant. Categorically contending that the examination of witnesses 1 to 5 as proposed by the petitioner is unwarranted, strong objection was made before the learned Trial Court.

4. However, the learned Trial Court considering the fact that at the

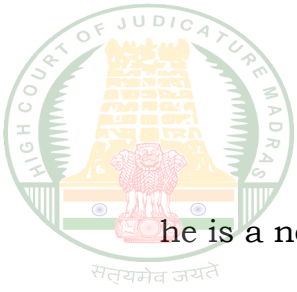


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time of cross examining the petitioner, the learned counsel for the accused had put the specific question as to whether they have filed any document to substantiate that the company itself is a registered company and whether the power to appoint a Power of Attorney to conduct cases has been mentioned in the by-laws of the company and that has been duly replied by the complainant to substantiate the answers given by the complainant at the time of cross examination, the examination of their witnesses in serial Nos.1 to 5 cited in the petition is necessary and on that premise, the learned trial Court proceeded to allow the petition. Challenging the same, this Criminal Revision case is filed.

5. The learned counsel for the petitioner categorically submitted that the examination of the Managing Director of Sri Gokulam Chits and Finance Limited, Chennai, one Gopalan will never ever help the petitioner in substantiating any question of law or question of fact whatever which had been put up by his counsel to the complainant at the time of cross examining and he also fairly submitted that he does not have any objection with respect to other witnesses except the Managing Director.

6. For which, the learned counsel for the respondent submitted that the Managing Director is the one who is actually running the company and

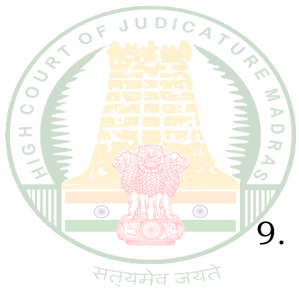


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he is a necessary witness for the purpose of eliciting the facts with respect to the appointment of Power of Attorney in terms of the bylaws of the company, more particularly, it is the Deputy Manager who had actually executed the Power of Attorney and had appointed the Assistant Manager to conduct the case in the capacity of complainant herein. Hence, he is a necessary witness only through whom the factum as to whether he had actually executed a power of attorney and whether the bylaws of the company could be elicited and, in view of the same, he pressed for dismissal of the Criminal Revision case.

7. Heard both sides and carefully perused the materials available on record.

8. As rightly pointed out by the learned counsel for the respondent, the Managing Director is a necessary witness for eliciting the answers which were given by the complainant at the time of his cross examination with respect to the factum of registration of the company as well as the execution of power of attorney and I don't find any infirmity in the order passed by the learned Trial Court.



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9. Accordingly, the Criminal Revision case fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Special Court for Exclusive
Trial of Cases under Negotiable
Instruments Act, Tirunelveli.



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L.VICTORIA GOWRI, J.,

Sml

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