



WEB COPY

CRL RC No. 397 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 397 of 2026

1. Urga Technical And Engineering Company A
Proprietorship Firm
A Proprietorship Firm,
Represented by its Proprietor, Mr.Venkatesh,
S/o.Lakshminarayan,
No.4/5, 1st Floor, D Block,
Shyams Rivera, 4th Street,
Venkatachalamf Nagar,
Vellanur,Tiruvallur - 600 062.
2. Venkatesh
Proprietor, M/s.Urga Technical and
Engineering Company S/o.Lakshminarayan,
No.4/5, 1st Floor, D Block,
Shyams Rivera, 4th Street,
Venkatachalam Nagar,
Vellanur, Tiruvallur - 600 062.

..Petitioner(s)

Vs

M/s.Om Murugan Enterprises
Rep by its Power of Attorney,
Mr.Dillibabu, S/o.Perumal,
Having office at No.4, Old No.181,
Kodambakkam High Road,
Nungambakkam, Chennai - 600 034.

..Respondent(s)

PRAYER : Revision filed under Sections 438 and 442 of BNSS, to call for the records in Crl.M.P.No.1312 of 2026 in S.T.C.No.11136 of 2025, on the file of The Court of XXXV Metropolitan Magistrate Court (FTC-II), Egmore at Allikulam, Chennai-03 and set aside the order dated 11.12.2025.



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For Petitioner(s): K.Balasubramaniam
For Respondent(s): No appearance

ORDER

The revision challenges the order passed by the learned Magistrate directing for the publication of the proclamation order in a daily.

2. The petitioner is an accused in a complaint made under Section 138 of the Negotiable Instruments Act. After taking cognizance of the offence, the learned Magistrate has issued a bailable warrant to the petitioner on 12.09.2025. Since the petitioner has not appeared, a Non-Bailable Warrant has been issued on 10.10.2025. Thereafter, at the instance of the respondent, the petitioner was treated as a proclaimed offender and the respondent was directed to publish proclamation order in the news paper. Against the said order, the petitioner has filed this Revision.

3. The learned counsel for the petitioner would submit that the respondent had issued a statutory notice under Section 138 of Negotiable Instruments Act to the petitioner at four addresses; that the petitioner has received notice in only one address; that instead of mentioning that address in the complaint, the respondent has willfully shown the address to which no notice was sent and that therefore, the petitioner was not aware of the proceedings and that since he has now come to know about the proceedings, he is willing to co-operate with the trial.



4. Though the learned counsel for the respondent entered appearance, there is no representation today.

5. It is seen from the Petition that the petitioner has thereafter approached the learned Magistrate on 04.02.2026 seeking to recall the warrant. However, the learned Magistrate has not entertained the said prayer.

6. Considering the fact that the petitioner is now willing to co-operate with the trial, this Court is inclined to set aside the impugned order and accordingly, the impugned order passed in Crl.M.P.No.1312 of 2026 in S.T.C.No.11136 of 2025, dated 11.12.2025 is set aside and the petitioner is directed to appear before the learned Magistrate on or before 09.03.2026 and file a petition to recall the warrant. The learned Magistrate shall consider the said petition on its own merits and pass appropriate orders.

7. With the above observations, this Criminal Revision Case is disposed of.

23-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GSK

NOTE : Issue order copy on 26.02.2026.



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SUNDER MOHAN, J.

GSK

To

1. The Court of XXXV Metropolitan Magistrate Court (FTC-II),
Egmore at Allikulam, Chennai-03

2. M/s.Om Murugan Enterprises
Rep by its Power of Attorney,
Mr.Dillibabu,
S/o.Perumal,
Having office at No.4, Old No.181,
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