

IN THE COURT OF XX METROPOLITAN MAGISTRATE,
EGMORE AT ALLIKULAM, CHENNAI

Present: Tmt. T. Mugizhambigai, M.L.,
XX METROPOLITAN MAGISTRATE.

Today Monday on 5th day of February 2026

MP.No.1750/2025 in CC.No.4309/2016

Central Bank of India,
Asset Recovery Branch,
Montieth Road, Egmore, Chennai-8,
represented by its Chief Manager,
Mr.Halayudh Kumar

....Petitioner/ complainant

Versus

1. M/s. Gemini Industries and Imaging Ltd.,
Represented by its Board of Directors,
Having its Registered office at No.28, New Bangaru Colony,
West K.K.Nagar, Chennai – 78.

2. Mr. Manohar Prasad,
Joint Managing Director,
M/s.Gemini Industries and Imaging Ltd.,
Old No.2, New No.3, Sarangapani Street,
T.Nagar, Chennai – 17.

3. Mr.Srinivasa Rao Anumolu, (Exonerated),
Director,
M/s.Gemini Industries and Imaging Ltd.,
Jubilee Hills, Hyderabad,
Andhra Pradesh.

4. Mr.Ananthakrishnan Balakrishnan,
Director,
M/s.Gemini Industries and Imaging Ltd.,
Old No.4A, New No.8, Subbarao Avenue,
2nd Street, Chennai – 6.

5. Mr.T.R.Srinivasan (Exonerated),
Company Secretary,
G-6, Ganpath Arcade No.1,
Virugambakkam, Chennai – 92.

.... Respondent/Accused

ORDER

Petition filed u/s.242(3) of Cr.PC to mark the photo copy of the statutory legal notice and reply notice to be marked as Ex.A.5 & Ex.A.7 as secondary evidence.

Both sides heard. The petitioner prayed for permission to merge the photo copy to the statutory legal notice and reply notice as secondary evidence.

Counter filed stating that there is no affidavit stating the loss of original documents, how it is lost etc., The conditions for secondary evidence not complied and the petition has to be dismissed.

The condition that the document is lost must be proved by the complainant. No affidavit filed or evidence adduced regarding the same. Mere fact that the served copies was not produced by the respondent does not directly give away to right of marking of document as secondary evidence.

The circumstance that the respondent does not deny the issuance of legal notice or reply notice and does not contend on the genuinity of copy of document in the case bundle considered.

On considering all the above, this court is of the considered opinion that on condition that the petitioner shall filed affidavit on loss of document, the prayer of the petitioner to make the photocopies of statutory notice and reply notice may be allowed to marked exhibits in this case as secondary evidence.

Therefore, this petition is hereby allowed on condition that the petitioner shall file an affidavit regarding the loss of the documents.

Dictated to Steno-Typist and typed directly in computer and Pronounced by me, in the open court this the 5th day of February 2026.

Sd/-T. Mugizhambigai,
XX Metropolitan Magistrate,
Allikulam Complex, Chennai – 03.