

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.13411 of 2015

and

M.P.Nos.1 and 2 of 2015

Rajendra Prasad ... Petitioner/A 12

Vs

1. The State
Rep. by the Inspector of Police,
Economic Offence Wing,
Anna Nagar,
Chennai - 600 040.
2. R.Shyamala Respondents/complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.5098 of 2009 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and quash the entire proceedings.

For Petitioner :Mr.R.Muniyapparaj

For Respondent :Mr.C.Emalias
Additional Public Prosecutor, for R.1

ORDER

The petitioner seeks a direction to call for the records in C.C.5098 of 2009 on the file of the Chief Metropolitan Magistrate, Egmore, Chennai and quash the entire proceedings.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent and perused the material placed on record.

3. The learned Additional Public Prosecutor represents that trial in this case has been commenced on 18.05.2015 and three witnesses have been examined. Hence, this court is not inclined to interfere at this stage of the trial, to quash the proceedings.

4. It is seen that this is a case of the year 2004 and the case has been transferred from one court to another and several accused have been absconding. It is also seen that this petitioner has been diligently appearing before the trial court, since 2004. It is the further case of the petitioner that he was the director in the Shrestha Finance Limited and had resigned from it as early as on 17.07.1996. In support of which, he has also produced proof before this court. Even according to the prosecution case, the complainant had invested in Shrestha Finance only from the year 1997 onwards. Therefore, it is the contention of the petitioner that this petitioner cannot be mulcted with criminal liability.

5. In any event, these submissions are recorded and the petitioner is directed to raise all these contentions before the trial court. The trial court is directed complete the trial within a period of six months from the date of receipt of a copy of this order.

6. When the petitioner is not able to appear before the trial court, he shall file an application under Section 317 Cr.P.C. and shall give an undertaking that his counsel would cross examine the witness and that the petitioner will not dispute his identity. This court has directed the trial court to complete the trial expeditiously within 6 months time and therefore, the accused should co-operate with the trial court for completing the case.

7. With the above direction, this petition is closed. Consequently, connected miscellaneous petitions are closed.
mrp/vrc

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Economic Offence Wing,
Anna Nagar,
Chennai - 600 040.
2. The Public Prosecutor,
High Court, Madras.
3. The Chief Metropolitan Magistrate
Egmore, Chennai 8.

+ 1 cc to Mr.R.Muniyapparaj Advocate SR 26637

msm(co)
prk7/7

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