

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. No.13113 of 2016

&

Cr1.M.P.Nos.6748 and 6749 of 2016

1.Radhambikai Kuppusamy
2.Kuppursamy
3.Karthik Kuppusamy
4.Harihara Sivasubramaniam Petitioners

Vs

M.s Sulochana Cotton Mills Pvt. Ltd.
rep by its Managing Director
Thiru S.Krishnakumar
No.424, 426, Kamaraj Road
Tiruppur
rep by its Power Agent
Thiru R.Vijayaragavan
S/o T.Ramakrishnan
Sales Manager
M/s Sulochana Cotton Spinning
Mills Pvt.Ltd. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records connected with C.C.No.1072/2015 on the file of the learned Judicial Magistrate No.I, at Tiruppur and quash the same.

For petitioners : Mr.S.Ramachandran

For respondent : Mr.K.S.Sri Giriprasath

O R D E R

When this Court was about to dismiss the case on merits, the learned counsel for the petitioners sought permission of this Court to withdraw this petition and he has also made an endorsement to that effect. At that juncture, the learned counsel for the petitioners submitted that the presence of the petitioners before the trial Court could be dispensed with.

2. In view of the above endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

3. On 23.06.2016, this Court passed the following order:

"It is seen that the cheques in the instant case were issued from 16.07.2015 onwards, whereas Harihara Sivasubramaniam, the fifth accused has resigned from the first accused company on 04.06.2014.

2. In view of the above, Notice of Motion returnable by 21.07.2016 is ordered. Private notice is also permitted.

3. The personal appearance of the fifth accused (Harihara Sivasubramaniam) alone is dispensed with. As regards other accused, there are several materials for the trial to proceed. Hence, they are directed to appear before the trial Court, and they shall be released on bail under Section 436 Cr.P.C. on the same day, on condition that they execute a bond for Rs.10,000/- with two sureties. The sureties can be a common surety.

Post for orders on 21.07.2016 @ 2.15 p.m."

4. Today when the matter was taken up for hearing, learned counsel for the petitioners submitted that out of four petitioners, three petitioners have surrendered and they have been released on bail and only Harihara Sivasubramaniam [fourth petitioner] has not surrendered. Accordingly, Harihara Sivasubramaniam is directed to surrender and on his surrender, the trial Court is directed to release him on bail u/s 436 Cr.P.C. on the same day on condition that he executes a bond for Rs.10,000/- [Rupees ten thousand only] with two sureties.

5. Harihara Sivasubramaniam [A5] is directed to be present for receiving the complaint, for answering the charge, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. The petitioners shall file an affidavit of undertaking before the trial Court that they will not dispute their identity and that their counsel will cross examine the prosecution witnesses on the day they are examined-in-chief and that they will not adopt dilatory tactics. On such undertaking, the trial Court shall dispense

with the personal appearance of the petitioners. If the petitioners adopt any dilatory tactics, the trial Court can insist on their presence.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gms

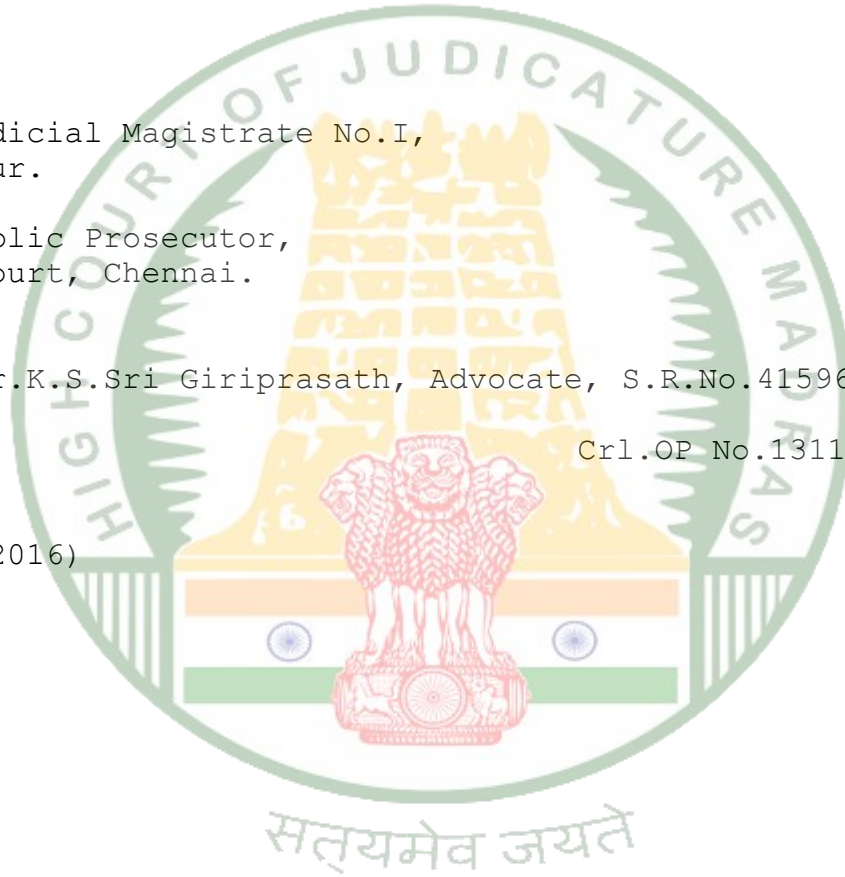
To

1. The Judicial Magistrate No.I,
Tiruppur.
2. The Public Prosecutor,
High Court, Chennai.

+lcc to Mr.K.S.Sri Giriprasath, Advocate, S.R.No.41596

Cr1.OP No.13113 of 2016

RP(CO)
CA(10/08/2016)



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