

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.09.2016
CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Crl.OP.No.19800 of 2016
and Crl.MP.No.9253 of 2016

Firoz A.Nadiawala
Sole Proprietor
M/s.Base Industries Group,
Plot No.20, "Barkat"
Gulmohar Cross Road,
No.5, J.V.P.D. Scheme,
Mumbai - 400 049.

... Petitioner

Vs

Nirmal Kumar Maheswari

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C.No.617 of 2015 on the file of the learned XVII Metropolitan Magistrate, Saidapet at Chennai and quash the same.

For Petitioner :Mr.M.Rajavelu

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.617 of 2015 pending on the file of the learned XVII Metropolitan Magistrate, Saidapet at Chennai.

2. Heard Mr.M.Rajavelu, learned counsel appearing for the petitioner.

3. When this court was about to dismiss this petition on merits, the learned counsel for the petitioner sought permission to withdraw this petition, with liberty to raise all the points before the Trial Court and has made an endorsement to that effect.

4. At this juncture, the learned counsel for the petitioner submitted that the petitioner is in Mumbai and that his presence before the trial Court may be dispensed with.

5. Mr.M.Rajavelu, the learned counsel for the petitioner submitted that the petitioner had already appeared before the trial Court and that the case is adjourned to 07.11.2016.

6. The petitioner is directed to appear before the trial Court on the hearing date and on his appearance he shall be released on bail under Section 436 Cr.P.C. on he executing a

bond for Rs.50,000/- with two sureties each for a like sum to the satisfaction of the concerned Magistrate. Thereafter, the petitioner shall appear for receiving the complaint, for questioning on the accusation, answering the charge, for questioning under Section 313 Cr.P.C., and on the date of judgment. For other dates of hearing, the petitioner shall file an affidavit of undertaking before the trial Court that he will not dispute his identity and that his nominated counsel will cross-examine the prosecution witness on the day, they are examined in-chief and that he will not adopt dilatory tactics.

7. On such undertaking, the trial Court shall dispense with the personal appearance of the petitioner. If the petitioner adopts any dilatory tactics, the trial Court can insist on his presence.

8. In view of the above, this Criminal Original Petition is dismissed as withdrawn to raise all the points before the Trial Court. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ds

To

1.The XVII Metropolitan Magistrate
Saidapet at Chennai

+1 cc to M/s.M.Rajavelu Advocate sr 52738

Cr1.OP.No.19800 of 2016

aa21/10/2016

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