

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl. O.P. Nos.21040 to 21042 of 2016  
and  
Crl.M.P. Nos.9749 to 9754 of 2016

Bernard Robert Hereford

Petitioner/ Accused 5 & 6 in all  
the Crl.O.Ps.

vs.

The Deputy Registrar of Companies  
Tamil Nadu, Chennai  
having office at II Floor  
Shastri Bhavan  
26, Haddows Road  
Nungambakkam  
Chennai 600 006

Respondent/ Complainant  
in all the Crl.O.Ps.

Criminal Original Petitions filed under Section 482, Cr.P.C. seeking to call for the records in E.O.C.C. Nos.216, 219 and 220 of 2013 respectively on the file of the Additional Chief Metropolitan magistrate (Economic Offences - I), Egmore, Chennai and quash the same as far as the petitioners are concerned.

For petitioner in  
all the Crl.O.Ps.

Mr. M. Mohammed Rafi

For respondent in  
all the Crl.O.Ps.

Mr. B. Ramesh  
Company Prosecutor

COMMON ORDER

When this Court was about to dismiss these Criminal Original Petitions on merits, the learned counsel for the petitioner sought permission of this Court to withdraw the same and has also made an endorsement to that effect. At this juncture, the learned counsel for the petitioner sought to dispense with the personal appearance of the petitioner before the Additional Chief Metropolitan Magistrate (Economic Offences - I), Egmore, Chennai E.O.C.C. Nos.216, 219 and 220 of 2013 respectively.

2 In view of the above submission and endorsement made by the learned counsel for the petitioner, these Criminal Original Petitions are dismissed as withdrawn. The petitioner is directed to surrender before the trial Court on or before 22.12.2016 and on his surrender, he shall be released on bail under Section 436, Cr.P.C. on the same day, on he furnishing a bond for a sum of Rs.10,000/- [Rupees ten thousand only] with two common sureties to the like sum to the satisfaction of the Trial Court and thereafter, his presence before the trial Court shall be dispensed with on condition that, he shall be present for receiving the charge sheet, for answering the charge, at the time of questioning under Section 313, Cr.P.C. and at the time of passing judgment. He shall file an affidavit of undertaking before the Trial Court that he will not dispute his identity and that the counsel named by him in the affidavit will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab, [2015 (1) MLJ (Crl.) 288]. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon his presence and remand him to custody as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]. If thereafter the petitioner absconds, the trial Court shall direct registration of an FIR against him u/s 229-A IPC. Connected Crl.M.Ps. are closed.

Sd/-  
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

cad

To

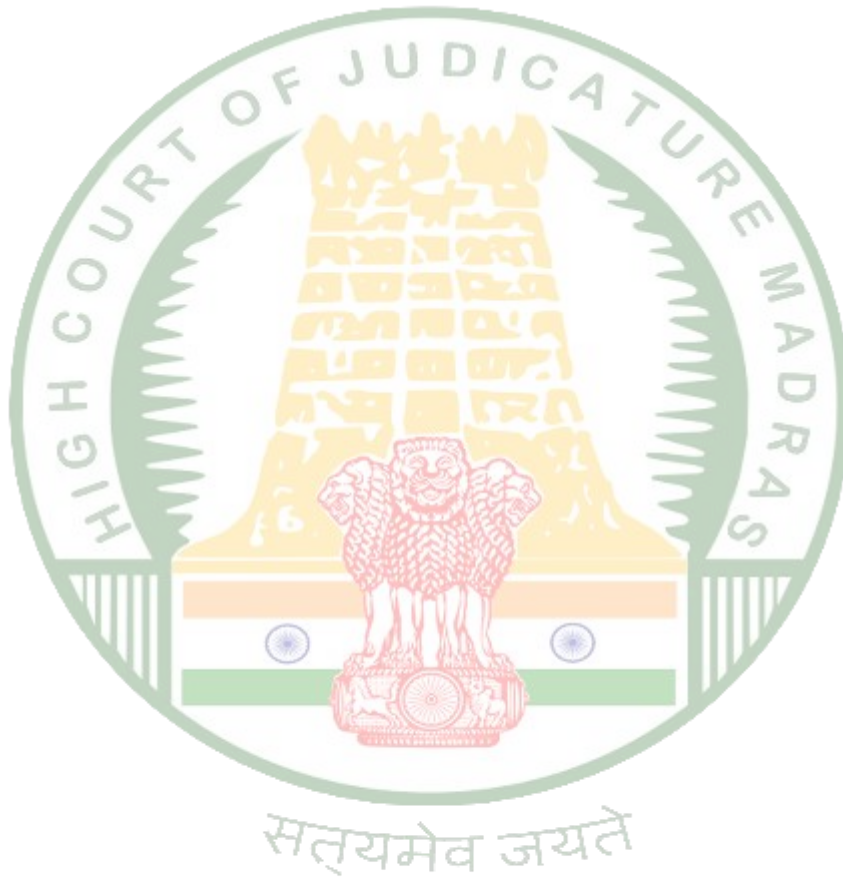
- 1 The Deputy Registrar of Companies  
Tamil Nadu, Chennai  
II Floor, Shastri Bhavan  
26, Haddows Road, Nungambakkam, Chennai 600 006

2. The Additional Chief Metropolitan Magistrate (E.OI)  
Egmore, Chennai

3 The Public Prosecutor  
High Court of Madras  
Chennai - 600 104

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