

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**Crl.O.P.Nos.20814 to 20819 of 2017
and Cr.M.P.Nos.12379 to 12384 of 2017**

Gangadar .. Petitioner in Crl.O.P.Nos.20814/17 &
20817/17

M/s Guru Teak Investments
(Mysore) Pvt. Ltd.,
rep. By its Managing Director
Gangadar,
No.874, Ranieo Hose,
Dr.M.C.Modi Road
W.O.C. Road,
Bangalore 560 086

.. Petitioner in Crl.O.P.Nos.20815/17 &
20818/17

Nagamma

.. Petitioner in Crl.O.P.Nos.20816/17 &
20819/17

Vs

The Securities and Exchange Board of
India, Overseas Towers,
No.756 L, Anna Salai, Chennai 600 002
rep.by its Asst. General Manager,
Mr.Pradeep Ramakrishnan

.. Respondent in all OPs

Prayer:- Criminal Original Petition No.20814 of 2017 filed under Section 482 of the Code of Criminal Procedure Code to set aside the order dated 24.07.2017 in M.P.No.10927 of 2017 passed by the learned Principal Sessions Judge at Chennai and to direct the learned Principal Sessions Judge at Chennai to recall the NBW pending against the petitioner in C.C.No.1/2014 without insisting upon the petitioner's physical presence.

Criminal Original Petition No.20815 of 2017 filed under Section 482 of the Code of Criminal Procedure Code to set aside the order dated 25.01.2017 in M.P.No.903 of 2017 passed by the learned Principal Sessions Judge at Chennai and to direct the learned Principal Sessions Judge at Chennai to recall the NBW pending against the petitioner in C.C.No.1/2014 without insisting

upon the petitioner's physical presence.

Criminal Original Petition No.20816 of 2017 filed under Section 482 of the Code of Criminal Procedure Code to set aside the order dated 24.07.2017 in M.P.No.10928 of 2017 passed by the learned Principal Sessions Judge at Chennai and to direct the learned Principal Sessions Judge at Chennai to recall the NBW pending against the petitioner in C.C.No.1/2014 without insisting upon the petitioner's physical presence.

Criminal Original Petition No.20817 of 2017 filed under Section 482 of the Code of Criminal Procedure Code to set aside the order dated 25.01.2017 in M.P.No.904 of 2017 passed by the learned Principal Sessions Judge at Chennai and to direct the learned Principal Sessions Judge at Chennai to recall the NBW pending against the petitioner in C.C.No.1/2014 without insisting upon the petitioner's physical presence.

Criminal Original Petition No.20818 of 2017 filed under Section 482 of the Code of Criminal Procedure Code to set aside the order dated 24.07.2017 in M.P.No.10926 of 2017 passed by the learned Principal Sessions Judge at Chennai and to direct the learned Principal Sessions Judge at Chennai to recall the NBW pending against the petitioner in C.C.No.1/2014 without insisting upon the petitioner's physical presence.

Criminal Original Petition No.20819 of 2017 filed under Section 482 of the Code of Criminal Procedure Code to set aside the order dated 25.01.2017 in M.P.No.905 of 2017 passed by the learned Principal Sessions Judge at Chennai and to direct the learned Principal Sessions Judge at Chennai to recall the NBW pending against the petitioner in C.C.No.1/2014 without insisting upon the petitioner's physical presence.

For Petitioners : Mr.Prasanna Durai

COMMON ORDER

The respondent, The Securities and Exchange Board of India (SEBI) filed C.C.No.1 of 2014 on the file of the learned Principal Sessions Judge, Chennai, seeking to prosecute M/s Guru Teak Investments (Mysore) Pvt. Ltd., and its Directors. Mr.Gangadar and Ms.Nagamma are the Directors in the said Company. They were shown as accused Nos.2 and 3. They are husband and wife. They were not present on 09.12.2016. Due to inadvertence, their

counsel omitted to file an application under Section 317 of the Cr.P.C. for condoning their absence. As a result, Non Bailable Warrant came to be issued against them. To recall the said Non Bailable Warrant, miscellaneous petitions were filed before the learned Principal Sessions Judge at Chennai. Since they were not in the proper form, a fresh set of petitions under Section 70(2) of the Cr.P.C. came to be filed. The said subsequent sets of petitions also came to be dismissed. Aggrieved by the orders of dismissal, the present Criminal Original Petitions have been filed.

2. Heard the learned counsel for the petitioners and perused the materials available on record.

3. The learned counsel for the petitioners would submit that Gangadar is virtually bed ridden. The only care taker is his wife Nagamma. If the non bailable warrant is enforced against him, it would cause very great hardship to him so also to his wife. Therefore, I am inclined to accept the request made by the learned counsel for the petitioners. Considering the age and the health condition of the the second accused, I am inclined to set aside the impugned orders passed by the learned Principal Sessions Judge, Chennai. Accordingly, the impugned orders are set aside. The non-bailable warrants issued against the petitioners stands recalled. Usually this Court, while setting aside such orders, would direct the accused to appear regularly in the future hearings. But, such a direction cannot be passed in the present case. However, the petitioners will have to be properly represented by a counsel.

<http://www.judis.nic.in> Proper applications under Section 317 Cr.P.C. will have to be promptly filed.

G.R.SWAMINATHAN, J

rg

4. The Criminal Original Petitions stand allowed accordingly.
Connected miscellaneous petitions are closed.

27.09.2017

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Note: Issue on 28.09.2017

To

1. The Principal Sessions Judge at Chennai
3. The Public Prosecutor,
High Court, Madras.



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