

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of June Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S. VAIDYANATHAN

CRIMINAL ORIGINAL PETITION No.2248 of 2017

S.K.DURAIRAJ, [PETITIONER / ACCUSED]

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE
E5, PATTINAPAKKAM POLICE STATION,
CHENNAI 600 028
CR.NO.NOT KNOWN OF 2016.

For Petitioner : M/S.M.SIMONJEYAKUMAR Advocate

For Respondent : MR. K. MATHAN Govt. Advocate (crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

It is stated by the learned Government Advocate (Criminal Side) appearing for the respondent that the petitioner/accused had been arrested now and a case has been registered against the petitioner in Crime No.461 of 2017 under Section 420 IPC.

2. By order dated 29.08.2016 in CrI.O.P.No.7970 of 2016, while dismissing the earlier anticipatory bail petition of the petitioner, this Court was of the view that the Income Tax Department should be set in motion, so that they will probe into the assets and liabilities of the de-facto complainant and ascertain the source of income through which they he had paid the amount to the petitioner/accused. This Court, while directing to mark a copy of the said order, dated 29.08.2016, to the Commissioner of Income Tax, Nungambakkam, Chennai-34, to enable him to initiate action in such type of cases, observed that the Police authorities are expected to furnish the details of the offenders to the Income Tax Department to enable them to take action against the person, who is alleged to have given bribe.

3. Pursuant to the above said order, today, when this petition is taken up for hearing, learned counsel for the petitioner produced a copy of the proceedings of the Income Tax Department, in F.No.28/Court Matters/2017-18, dated 23.06.2017 issued by the Income Tax Officer, Non-Corporate Ward-8(3),

Chennai-34, addressed to the Principal Commissioner of Income Tax, informing that since the said Ward does not have territorial jurisdiction over the case, it may not be possible to issue summons to the assessee and probe the sources of Sri.M.G.Dawood Milakhan (de-facto complainant), who had paid Rs.20 lakhs for procuring a medical seat and the directions of the PCIT is sought for proceeding further in the matter and the date of hearing of the case was fixed on 28.06.2017.

4. In the above regard, this Court is of the view that the Principal Commissioner of Income Tax, Chennai, is expected to forward the papers to the Officer having territorial jurisdiction so that the matter can be probed with regard to the assets of the de-facto complainant and submit a detailed report to the Registrar General of this Court within a period of one month from the date of receipt of a copy of this order.

5. Registry is directed to mark a copy of this order to the Joint Commissioner of Income Tax, Non-Corporate Range-3, Chennai-34 and also to the Principal Commissioner of Income Tax, Chennai-34 free of cost.

6. With the above observations, this petition is closed.

-sd/-

29/06/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JOINT COMMISSIONER OF INCOME TAX,
NON-CORPORATE RANGE-3, M.G.ROAD
NUNGAMBAKKAM, CHENNAI-34

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE PRINCIPAL COMMISSIONER OF INCOME TAX,
M.G. ROAD, NUNGAMBAKKAM, CHENNAI-34

4 THE INSPECTOR OF POLICE,
E5, PATTINAPAKKAM POLICE STATION,
CHENNAI 600 028

CC to M/S.M.SIMONJEYAKUMAR Advocate on payment of necessary charges

CRL OP.2248/2017

Date :29/06/2017

TA-04/07/2017