

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.07.2017

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.35382 of 2004
and
W.P.M.P.No.42621 of 2004

Raja Babu

...Petitioner

Vs.

1. The Chief Commissioner of Income Tax,
No.121, Uthamar Gandhi Salai,
Chennai - 600 034.
 2. The Joint Director of Income Tax,
(Prosecution)
No.121, Uthamar Gandhi Salai,
Chennai - 600 034.
- ...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to forbear from proceeding the criminal prosecution in E.O.C.C.Nos.182, 183 and 184 of 1985, on the file of the Additional Chief Metropolitan Magistrate, Egmore, pending disposal of the Appeal against the order, determining the compounding fee payable, before the first respondent.

For Petitioner : Mr. R.Parthasarathy

For Respondents : M/s.Hema Murali Krishnan
Senior Standing Counsel

ORDER

Heard Mr. R.Parthasarathy, the learned counsel appearing for the petitioner and M/s.Hema Murali Krishnan, learned Senior Standing Counsel appearing on behalf of the respondent.

2. The petitioner is before this Court, praying for issuance of a writ of mandamus to forbear respondent from proceeding with the criminal prosecution.

3. At the time, when the Writ Petition was entertained on 03.12.2004, order of interim injunction was granted. The learned counsel appearing for the petitioner submits that he has no instructions as on today, and requests some time to contact his client.

4. In my considered view, the necessity to keep this Writ Petition pending does not arise, because, the criminal prosecution was initiated by the respondent, in the year 1985, and by efflux of time, law would have taken its course. Accordingly, the Writ Petition is closed, leaving it open to the petitioner to workout his remedies in accordance with law before the appropriate Forum. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Commissioner of Income Tax,
No.121, Uthamar Gandhi Salai,
Chennai - 600 034.
2. The Joint Director of Income Tax,
(Prosecution)
No.121, Uthamar Gandhi Salai,
Chennai - 600 034.

+1 cc to M/s.Hema Muralikrishnan Advocate sr51224

+1 cc to M/s.Sathish Parasaran Advocate sr 50709

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ariv
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