

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

CORAM:

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

Crl.O.P. No.11700 of 2018

M. Murugesan

..Petitioner/Complainant

vs.

1 The Chief General Manager
Southern Railway
Park Town
Chennai 600 033

2 The Additional Director General of Police ..Respondents
Office of the Railway Police
No.8, Varadharajulu Street
Egmore
Chennai 600 008

3 V. Pushpalatha ..Respondents/Accused

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondents 1 and 2 to secure the accused, viz., Pushpalatha, who is working under the control of the respondents 1 and 2 as Ticket Issuing Clerk at Chennai Central Railway Station and produce her before the Fast Track Court No.III, Saidapet, Chennai, in pursuance of the Proclamation Order effected on 30.08.2011 in C.C. No.8406 of 2002.

For petitioner : Mr. R. Rajasekaran
For R2 : Mrs. Kritika Kamal P.
Government Advocate (Crl. Side)
For R3 : Mr. G.V. Sridharan

ORDER

This Criminal Original Petition has been preferred seeking a direction to the respondents 1 and 2 to secure the third respondent/accused, viz., Pushpalatha, who is working under the control of the respondents 1 and 2 as Ticket Issuing Clerk at Chennai Central Railway Station and produce her before the Fast Track Court No.III, Saidapet, Chennai, in pursuance of the Proclamation Order effected on 30.08.2011 in C.C. No.8406 of 2002.

2. On 03.07.2018, this Court passed the following order:

"Murugesan initiated prosecution in C.C.No.8406 of 2002 under Section 138 of the Negotiable Instruments Act, 1881, against Pushpalatha and the case is now pending on the file of the Fast Track Court No.III, Saidapet, Chennai. Since Pushpalatha did not appear before the trial Court, Non-Bailable Warrant was issued against her and thereafter, she has been declared as a proclaimed offender. Under such circumstances, Murugesan has filed the present petition for a direction to the respondent police to apprehend Pushpalatha and produce her before the trial Court, in compliance with the order of proclamation.

2. During the course of hearing, Pushpalatha got wind of these proceedings and she has entered appearance through counsel Mr.G.V.Sridharan. Pushpalatha has filed an affidavit, wherein, she has stated as follows:

"3. I submit that the above matter came up before this Hon'ble Court and this Hon'ble Court directed me to deposit Rs.2,00,000/- before the trial Court and to pay Rs.25,000/- to the complainant as costs. I submit that I am ready to deposit Rs.2,00,000/- before the trial Court and also to pay Rs.25,000/- to the complainant/petitioner."

3. In view of the above, this Court is of the view that an opportunity should be given to Pushpalatha to contest the proceedings in C.C.No.8406 of 2002 before the trial Court. However, Pushpalatha is directed to comply with her undertaking given above, by paying Rs.25,000/- to Murugesan as costs and deposit Rs.2 lakhs to the credit of C.C.No.8406 of 2002 before the Fast Track Court No.III, Saidapet, Chennai, within two weeks from the date of receipt of a copy of this order. Until then, the proclamation shall stand stayed and shall not be executed.

Call on 17.07.2018 at 2.15 p.m."

3. According to the third respondent, the aforesaid order dated 03.07.2018 passed by this Court has been complied with by her and to this effect, she also has filed a memo which reads as under:

"The third respondent respectfully submitted that as directed by this Hon'ble Court in the above matter on 03.07.2018, the third respondent deposited a sum of

Rs.2,00,000/- in the Metropolitan Magistrate (Fast Track Court No.III) Saidapet, on 16.07.2018 under Receipt No.53498 in C.C. No.8406/2002 and further paying Rs.25,000/- by D.D. No.990565 dated 17.07.2018 to the petitioner herein. Thus, the third respondent herein complied with the directions of this Hon'ble Court made in Crl.O.P. No.11700 of 2018 dated 03.07.2018."

4. Mr. Rajasekaran, learned counsel for the petitioner also conceded the factum of the order dated 03.07.2018 having been complied with by the third respondent.

5. In view of the above, the proclamation issued against the third respondent in C.C. No.8406 of 2002 stands quashed. The third respondent is directed to surrender before the Trial Court within a period of two weeks from the date of receipt of a copy of this order and file an application before the Trial Court under Section 436 Cr.P.C. and on such application being filed, the Trial Court shall release her on bail on the same day on she executing a bond for Rs.10,000/- with two sureties, to the satisfaction of the Fast Track Court No.III, Saidapet, Chennai. If the third respondent absconds, a fresh FIR can be registered against her under Section 229-A IPC. The amount of Rs.2 lakhs can be disbursed either to the complainant or the third respondent, depending upon the outcome in C.C. No.8406 of 2002. Further, the Trial Court is directed to dispose of C.C. No.8406 of 2002 within a period of three months from the date of receipt of a copy of this order.

This Criminal Original Petition stands allowed with the above directions and observations.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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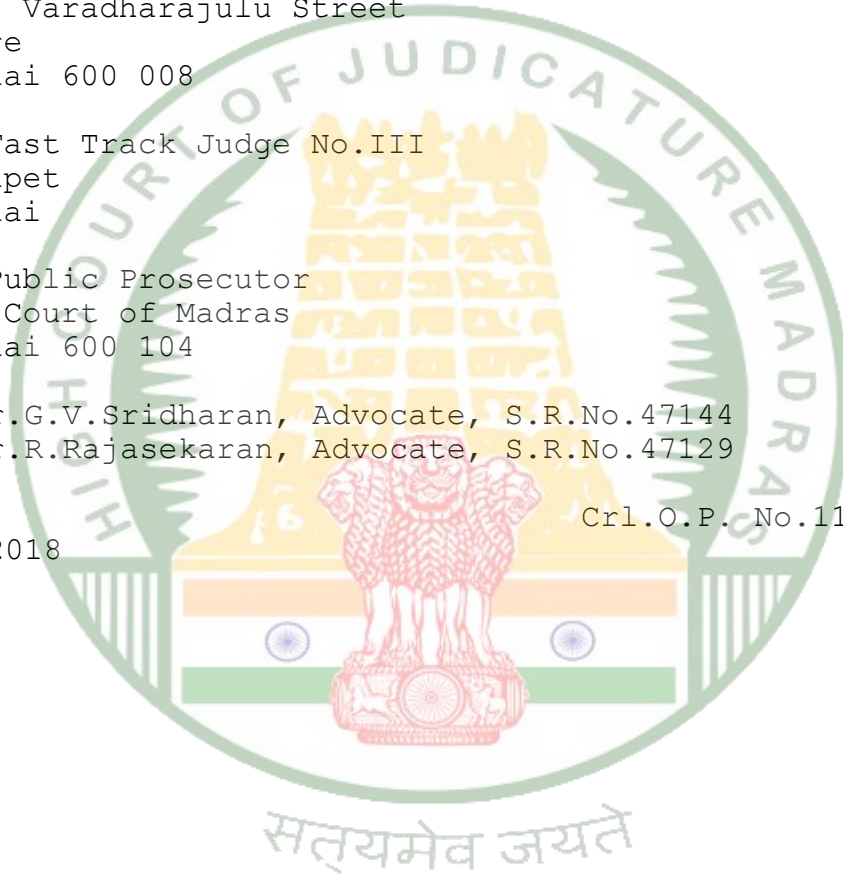
1. The Chief General Manager
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2. The Additional Director General of Police
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3. The Fast Track Judge No.III
Saidapet
Chennai
4. The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.G.V.Sridharan, Advocate, S.R.No.47144

+1cc to Mr.R.Rajasekaran, Advocate, S.R.No.47129

BM 18/07/2018

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