

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.16733 of 2018

S.Thiyagarajan

... Petitioner

Vs

State by,
Sub Inspector of Police,
Central Crime Branch-I Police Station,
Chennai.

.... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order passed by the Principal Sessions Judge, Chennai dated 25.06.2018 made in Crl.M.P.No.9726 of 2018 and to grant the extension of time to comply the conditional order passed in Crl.M.P.No.8222/2018 dated 23.05.2018.

For Petitioner : Mr.A.G.Raja Kumar

For Respondent : Ms.P.Kritika Kamal,
Government Advocate (Crl Side)

O R D E R

This Criminal Original Petition has been filed seeking a direction to set aside the order passed by the Principal Sessions Judge, Chennai dated 25.06.2018 made in Crl.M.P.No.9726 of 2018 and to grant the extension of time to comply the conditional order passed in Crl.M.P.No.8222/2018 dated 23.05.2018.

2. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials placed on record.

3.On the complaint lodged by Ravi, the respondent police have registered a case in Crime No.123 of 2018 on 30.03.2018 under Sections 420 and 120B I.P.C against Thiyagarajan (A1), Zakir Hussain (A2), Karthik (A3) and Ramesh (A4). It is the allegation of the de facto complainant that the accused started a bogus company by name Orange Group of Companies and placed orders with the de facto complainant for the supply of textiles worth Rs.1,08,24,000/- and after obtaining the consignment of

the accused, absconded and left the de facto complaint high and dry. During the course of investigation, the police have arrested Zakir Hussain (A2), Karthik (A3), Ramesh (A4). However, Thiyagarajan (A1) was in abscondence. Thiyagarajan filed Crl.M.P.No.8222 of 2018 for anticipatory bail before the Vacation Judge, Sessions Court, Chennai and he was granted anticipatory bail on 23.05.2018, on condition that he should surrender before the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases, Egmore, Chennai on or before 22.06.2018, failing which, the order shall stand cancelled. Thiyagarajan did not surrender before the learned Magistrate before 22.06.2018. He filed Crl.M.P.No.9726 of 2018 in Crl.M.P.No.8222 of 2018 in Crime No.123 of 2018 for extension of time before the regular Principal Judge, City Civil Court Chennai. It was submitted by Thiyagarajan he underwent cataract operation on 18.06.2018 and 20.06.2018 and that is why, he was not able to surrender on or before 22.06.2018. The Principal Judge dismissed the petition on 25.06.2018, by holding that the petitioner could have surrendered before 18.06.2018 and that, the reasons given by him for non surrendering was not satisfactory. Therefore, challenging the said order, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that the petitioner underwent cataract operation and therefore, he was not able to surrender before the Magistrate on 22.06.2018. Today, S.Nesaian Sub Inspector of Police, CCB, Chennai is present before this Court.

5. On instructions, learned Government Advocate [Crl. Side] submitted that the petitioner and the accused have committed huge fraud by floating a bogus company in the name of Orange Group of Company, which is a letter pad company and cheated the de facto complainant. She also submitted that there are previous cases against the petitioner. She further submitted that in the vacation Court, the police were not able to bring all these facts to the notice of the learned Judge, as they had not received the information from the Registrar of Companies.

6. On a perusal of the Case Diary, it is seen that the Registrar of Companies has now sent a communication that there is no company by name Orange Group of Company. On a reading of the confession statement of the arrested accused, they have clearly implicated the petitioner in the conspiracy.

7. Be that as it may, in the order dated 23.05.2018 in Crl.M.P.No.8222 of 2018, it is clearly stated that, if the petitioner does not surrender before 22.06.2018, the order will stand cancelled. Under such circumstances, no extension of time

can be given. It is open to the petitioner to file a fresh application for anticipatory bail, after making the de facto complaint as respondent.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS-iv)

//True Copy//

Sub Assistant Registrar

gmd

To

- 1.The Principal Sessions Judge,
Chennai.
- 2.The Metropolitan Magistrate for Exclusive Trial of CCB Cases,
Egmore, Chennai.
- 3.The Sub Inspector of Police,
Central Crime Branch-I Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.G.RAJAKUMAR, Advocate, S.R.No. 41668

Crl.O.P.No.16733 of 2018

TR(09/07/2018)

सत्यमेव जयते

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