

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.17038 of 2018

and

Crl.MP.Nos.8797 & 8798 of 2018

K.R.E.Radhakrishnan  
Authorized Signatory/Proprietor  
M/s.K.R.E.Radhakrishnan  
No.2/112-M, Dhanalakshmi Avenue  
Andipalayam, Mangalam Road,  
Tirupur - 641 687. ....Petitioner/Accused

Vs

M/s. Jayavarma Textiles Private Limited  
Rep. by its Manager/P.A. Holder K.Pongia Gounder  
S/o.Karuppa Gounder  
Having its registered office at  
No.105, Sakthi Nagar North  
P.N.Road, Tirupur - 641 602. ....Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.  
to call for the records pertaining to the proceedings pending in  
C.C.No.403 of 2016 on the file of the learned Judicial  
Magistrate No.I, Tirupur and quash the same.

For Petitioner :Mr.M.Vijayakumaran

O R D E R

When this Court was about to dismiss this petition on  
merits, the learned counsel for the petitioner sought permission  
of this Court to withdraw the same and has also made an  
endorsement to that effect.

2. In view of the endorsement made by the learned counsel  
for the petitioner, this petition is dismissed as withdrawn.

3. However, the learned counsel for the petitioner sought permission of this Court to dispense with the personal appearance of the petitioner before the trial Court.

4. Accepting his submission, the petitioner is directed to appear before the trial Court within a period of two weeks from the date of receipt of a copy of this order. On his appearance, he shall file a petition under Section 436(1) Cr.PC, for bail and the trial Court shall release him on bail on the same day, on he executing a bond for Rs.5,000/- with two common sureties. Thereafter, the petitioner shall appear before the trial Court for receiving the complaint, for questioning under Section 251 Cr.PC, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. For the other hearings, the petitioner shall file a petition before the trial Court under Section 317 Cr.PC., giving an undertaking that he will not dispute his identity and that the counsel named by him in the affidavit will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab [2015(1) MLJ (Cr1) 288]. On such a petition being filed, the trial Court may liberally consider the same. If the accused adopts any dilatory tactics, it is open to the trial Court to insist upon his presence and remand him to custody as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]. If the accused absconds, the trial Court shall direct registration of an FIR against him under Section 229-A IPC. Connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

The Judicial Magistrate No.I,  
Tiruppur.

+1cc to Mr.Vijayakumaran 12447(24/07/2018)

Cr1.OP No.17038 of 2018

SVN(CO)  
BM 16/07/2018