

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM:

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

Crl.O.P.Nos.17474 to 17476 of 2018
and
Crl.MP.Nos.9047 to 9049 of 2018

A.Senthilkumar ...Petitioner
(in Crl.O.P.Nos.17474 to 17476 of 2018)
vs.

The Additional Deputy Commercial Tax Officer (IW)
Commercial Taxes Department
Puducherry. ...Respondent
(in Crl.O.P.Nos.17474 to 17476 of 2018)

Criminal Original Petitions filed under Section 482 of Cr.P.C. seeking a direction to the respondent/complainant to refer the matter to Lok Adalat, Puducherry for settlement in respect of 200% penalty imposed by the respondent pending disposal of the above Criminal Original Petitions.

For Petitioner : Mr.P.Suresh
(in Crl.O.P.Nos.17474 to 17476 of 2018)

For Respondent : Mr.Bharath Chakravarthy
Public Prosecutor (Puducherry)
(in Crl.O.P.Nos.17474 to 17476 of 2018)

C O M M O N O R D E R

These criminal original petitions have been filed seeking a direction to the respondent/complainant to refer the matters to the Lok Adalat, Puducherry for settlement in respect of 200% penalty imposed by the respondent.

2. In all these cases, the petitioner is facing trial before the Judicial Magistrate No.I, Puducherry, for the offences under Sections 409 and 422 IPC and Under Rule 16 r/w Sub-rule 10 of Rule 14 of the Central Sales Tax (Pondicherry) Rules, 1967.

3. This Court had issued the following directions on 12.04.2018 in CrI.OP.Nos.7284 of 2018 etc., batch:

"4. The accused are directed to appear before the trial Court within a period of two weeks from the date of receipt of a copy of this order and execute a bond under Section 88 Cr.P.C. for a sum of Rs.5,000/- each without sureties, if not already executed. The accused are directed to co-operate in the completion of trial. They shall 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 (CrI) 288]. If they adopt any dilatory tactics, it is open to the trial Court to insist upon their presence and remand them 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 abscond, the trial Court shall direct registration of an FIR against them under Section 229-A IPC.

With the above directions and observations, these petitions are disposed of. Consequently, connected miscellaneous petitions are closed."

4. While so, the petitioner is before this Court seeking a direction to refer the cases to the Lok Adalat, Puducherry.

5. The learned Public Prosecutor (Puducherry) submitted that these cases cannot be settled in the Lok Adalat, as the petitioner has not even complied with the earlier directions of this Court. That apart, the allegation against the petitioner is evasion of tax, which cannot be compounded in the Lok Adalat.

6. Accepting the submission of the learned Public Prosecutor (Puducherry), these petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

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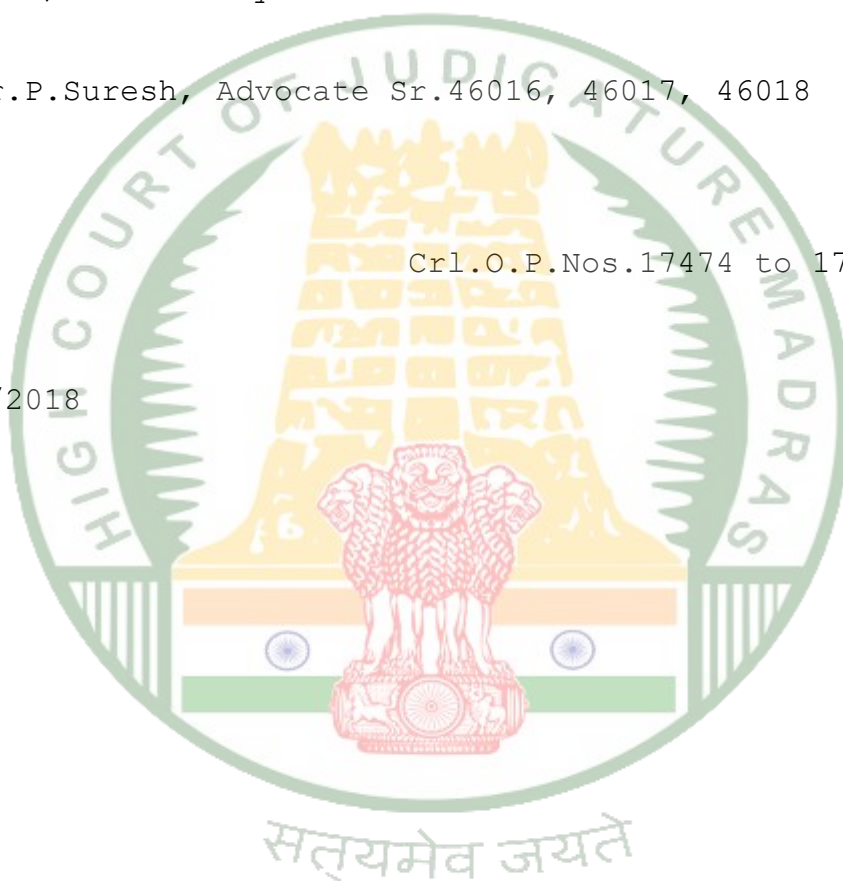
1.The Additional Deputy Commercial Tax Officer (IW)
Commercial Taxes Department
Puducherry.

2.The Public Prosecutor
High Court, Puducherry.

+3cc to Mr.P.Suresh, Advocate Sr.46016, 46017, 46018

Crl.O.P.Nos.17474 to 17476 of 2018

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srg 19/07/2018



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