

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.17764 of 2018
and Crl.M.P.No.9210 & 9211 of 2018

1. M/s. Karismaa Foundations Pvt. Ltd.,
Rep. by its Managing Director
Rakesh P.Sheth,

2. Rakesh P.Sheth ... Petitioners

Vs

M/s.Bhagwandass Metals Limited,
New No.54, Old No.61,
Sembudoss Street, George Town,
Chennai - 600 001.

... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.2499 of 2016, pending before the IInd Metropolitan Magistrate, Egmore, Chennai and Quash the same.

For Petitioners : Mr.Nithyaesh Natraj

O R D E R
सत्यमेव जयते

When this matter was taken up for hearing, learned counsel for the petitioners seek permission of this Court to withdraw this petition and he has also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn, with liberty to the petitioners to raise all the points before the trial court. Consequently, connected Miscellaneous Petitions are closed.

3.However, the learned counsel for the petitioners submitted that the presence of the 2nd petitioner/A2 before the trial Court may be dispensed with.

4. Accepting the submission, the 2nd petitioner/A2 [Managing Director of the 1st petitioner company] is directed to surrender before the trial Court within two weeks from the date of receipt of a copy of this order. On such surrender, he shall file an application under Section 436 Cr.P.C. for bail. The trial Court shall release the accused on bail on the same day, on he executing a bond for Rs.10,000/- with two solvent sureties. Thereafter, the accused shall appoint an Advocate on special vakalat. The accused shall give an undertaking that he will not dispute his identity and that his Advocate will cross-examine the witnesses on the day, they are examined in-chief, as held by the Supreme Court in Vinodh Kumar Vs State of Punjab reported in 2015[1] MLJ [Crl] 288. The accused shall appear before the trial Court to answer the question under Sections 251 Cr.P.C., 313 Cr.P.C. and on the date of judgment. For other hearings, if the accused files an application under Section 317 Cr.P.C., the same shall be liberally considered and thereafter, the presence of the accused shall stand dispensed with. If the accused absconds, a fresh FIR can be registered under Section 229-A IPC. If the accused does not co-operate, he can be remanded to custody in terms of the law laid down by the Supreme Court in State of U.P. Vs Shambunath Singh JT 2001 [4] SC 319.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gya

To

The II Metropolitan Magistrate,
Egmore, Chennai.

+2cc to Mr.Nithyaesh Natraj, Advocate sr.no.45643

CRL.OP.No.17764 of 2018

nr 20/07/2018