

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 13.07.2018
Pronounced on : 20.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.24480 of 2004
and
Crl.M.P.No.7976 of 2004

- 1.M/s.Sasi Enterprises,
Shop No.14, Parsn Manere,
602, Anna Salai, Chennai - 6,
Rep. by its Partners,
(1) Ms.J.Jayalalithaa and
(2) V.K.Sasikala.
- 2.Ms.J.Jayalalithaa,
D/o.Late Mr.R.Jayaram,
Partner, M/s.Sasi Enterprises,
Old No.36, New No.81,
Poes Garden,
Chennai - 86.
- 3.V.K.Sasikala,
Partner, M/s.Sasi Enterprises,
Old No.36, New No.81,
Poes Garden,
Chennai - 86.
- ... Petitioners/Accused

The Assistant Commissioner of Income Tax,
Central Circle-II (5),
Chennai - 600 034.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to E.O.C.C.No.202 of 1997 pending trial on the file of the Additional Chief Metropolitan Magistrate Court [Economic Offences-I], Egmore, Chennai, so as to quash the same.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.Murali Krishnan,
Special Public Prosecutor
(Income Tax Cases)

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O R D E R

This Criminal Original Petition is filed to call for the records pertaining to E.O.C.C.No.202 of 1997 pending trial on the file of the Additional Chief Metropolitan Magistrate Court [Economic Offences-I], Egmore, Chennai, so as to quash the same.

2.The learned counsel for the petitioner and the Special Public Prosecutor appearing for the Income Tax Department appeared.

3.The learned counsel for the petitioner filed a memo stating that by order dated 08.01.2015, the Trial Court had allowed the respondent/complainant to withdraw the complaint. In pursuant to the above the complaint was withdrawn and nothing survives for adjudication.

4.In support of his contention, the learned counsel for the petitioner had filed an order passed by the Additional Chief Metropolitan Magistrate [Economic Offences-I], Egmore, Chennai, made in E.O.C.C.No.202 of 1997 dated 08.01.2015.

5.On a perusal of the same, it is seen that the learned Special Public Prosecutor of the Income Tax Department had filed a petition in Crl.M.P.No.46 of 2015 to withdraw the prosecution against the petitioner and given a consent to withdraw the prosecution.

6.The learned Special Public Prosecutor appearing for the Income Tax Department had filed a communication dated 27.02.2015 of the Commissioner of Income Tax (Judicial and Prosecution), Chennai addressed to the Commissioner of Income Tax, Central-2, Chennai, concurring the same.

7.Recording the submission, the Lower Court had ordered that E.O.C.C.No.202 of 1997 is ordered to be withdrawn. In view of the above, the prayer in this Criminal Original Petition becomes infructuous.

8.Hence, this Criminal Original Petition is dismissed as infructuous. Consequently, the connected Miscellaneous Petition is closed.
ah

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

To

1.The Additional Chief Metropolitan
Magistrate [Economic Offences-I],
Egmore, Chennai

2.The Assistant Commissioner of
Income Tax,
Central Circle-II (5),
Chennai - 600 034.

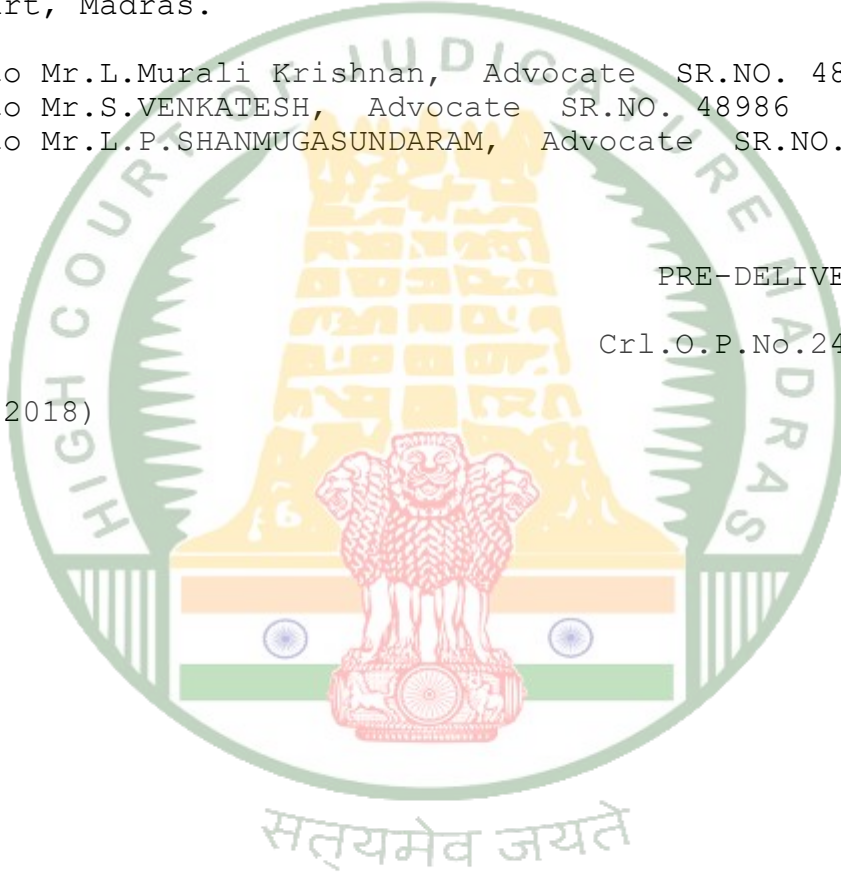
3.The Public Prosecutor,
High Court, Madras.

+1 C.C. to Mr.L.Murali Krishnan, Advocate SR.NO. 48579
+1 C.C. to Mr.S.VENKATESH, Advocate SR.NO. 48986
+1 C.C. to Mr.L.P.SHANMUGASUNDARAM, Advocate SR.NO.49030

PRE-DELIVERY ORDER IN

Crl.O.P.No.24480 of 2004

NM(CO)
ASK(02/08/2018)



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