

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

**Crl.O.P.No.22743 of 2018 &
Crl.M.P.Nos.12651 and 12652 of 2018**

A.Selvaraj

... Petitioner

Vs

The Deputy Commissioner of Income Tax
Central Circle-1
Income Tax Office
67-A, Race Course Road
Coimbatore 641 018.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the entire records in pursuant to the criminal proceedings in C.C.No.83 of 2018 pending on the file of Court of Judicial Magistrate No.III, Coimbatore and quash both of them.

For Petitioner

Mr.T.P.Prabakaran

For Respondent

Mr.Murali Krishnan

Special Public Prosecutor for Income Tax

ORDER

When this Court was about to dismiss this petition on merits, learned counsel for the petitioner sought permission of this Court to withdraw the same and he has also made an endorsement to that effect. Permission is granted. Accordingly, this Criminal Original Petition is dismissed as withdrawn with

liberty to raise all the points before the trial Court. Consequently, connected miscellaneous petitions are closed.

2. At this juncture, learned counsel for the petitioner submitted that the petitioner is 79 years old and that his presence before the trial Court may be dispensed with.

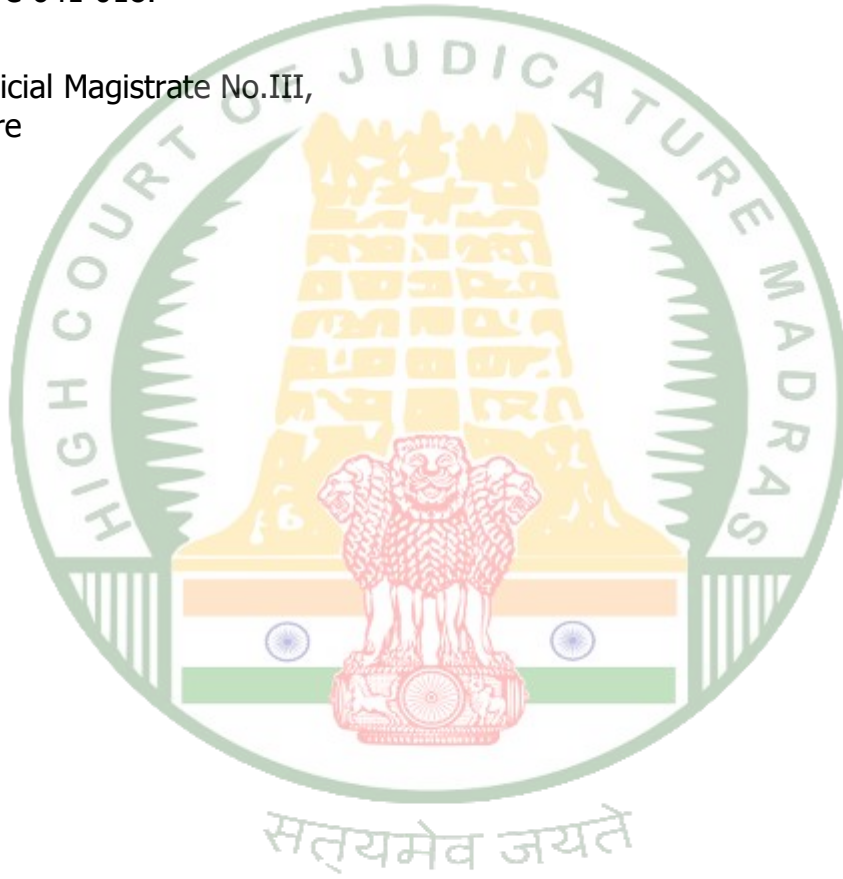
3. Accepting the said submission, the petitioner is directed to appear before the trial Court and on his appearance, the trial Court shall release him on bail u/s 436 Cr.P.C. on the same day on condition that he executes a bond for Rs.10,000/- [Rupees ten thousand only] with two sureties. The petitioner is also directed to be present for receiving the charge sheet, for answering the charge, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. The petitioner shall file an affidavit of undertaking before the trial Court that he will not dispute his identity and that the counsel engaged by him will deliberately prosecute the case without adopting any dilatory tactics. On such undertaking, the trial Court shall dispense with the personal appearance of the petitioner. The trial Court shall complete the trial within a period of six months from the date of receipt of a copy of this order.

24.10.2018

To

1.The Deputy Commissioner of Income Tax
Central Circle-1
Income Tax Office
67-A, Race Course Road
Coimbatore 641 018.

2.The Judicial Magistrate No.III,
Coimbatore



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P.N.PRAKASH.J,

gms



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