



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Second day of August Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR

Crl.M.P.(MD)Nos.6215, 6216 and 6217 of 2018
in
Crl.O.P(MD)Nos.12553, 12554 and 12555 of 2018

V.T.BHARADWAJ

... PETITIONER/ PETITIONER/
ACCUSED NO.5
IN ALL THE PETITIONS

Vs

THE INCOME TAX DEPARTMENT,
BY THE OFFICE OF THE DEPUTY COMMISSIONER
OF INCOME TAX, TDS CIRCLE, MADURAI,
REP BY AUTHORIZED PERSON.

... RESPONDENT/ RESPONDENT/
COMPLAINANT
IN ALL THE PETITIONS

PRAYER IN CRL MP(MD)No.6215 of 2018 in CRL OP(MD)No.12553 OF 2018:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to clarify the order dated 20.07.2018 in Crl.MP(MD)No. 5693/2018 in Crl.OP(MD)No. 12553/2018 to the effect that the presence of the petitioner/ Accused No.5 is not required for the present.

Prayer in CRL MP(MD) . 6216/ 2018 in CRL OP(MD)No.12554 OF 2018:

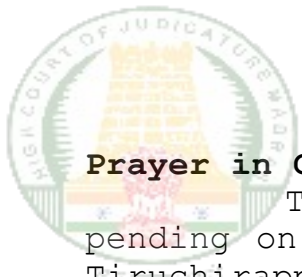
To clarify the order dated 20.07.2018 in Crl.MP(MD)No. 5695/2018 in Crl.OP(MD)No. 12554/2018 to the effect that the presence of the petitioner/Accused No. 5 is not required for the present.

Prayer in CRL MP(MD) . 6217/ 2018 in CRL OP(MD)No.12555 OF 2018:

To clarify the order dated 20.07.2018 in Crl.MP(MD)No. 5697/2018 in Crl.OP(MD)No. 12555/2018 to the effect that the presence of the petitioner/Accused No. 5 is not required for the present.

Prayer in CRL OP(MD) . 12553/ 2018 :

To call for the records pertaining to C.C.NO.235 of 2018 pending on the file of the Additional Judicial Magistrate NO.1 of Tiruchirappalli, and quash the entire proceedings insofar as they pertain to the Petitioner, including the cognizance taken and summons issued to the Petitioner.

**Prayer in CRL OP(MD) . 12554/ 2018 :**

To call for the records pertaining to C.C.No. 236/2018 pending on the file of the Additional Judicial Magistrate No. 1 of Tiruchirappalli, and quash the entire proceedings in so far as they pertain to the petitioner, including the cognizance taken and summons issued to the petitioner.

Prayer in CRL OP(MD) . 12555/ 2018 :

To call for the records pertaining to C.C.No.237/2018 pending on the file of the Additional Judicial Magistrate No.1 of Trichirappalli and quash the entire proceedings insofar as they pertain to the petitioner including the cognizance taken and summons issued to the petitioner.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.AR.L.SUNDARESAN, Senior Counsel for M/S.BFS LEGAL, for the petitioner in all the petitions and of Mrs.SRIMATHY, Standing Counsel for Income Tax Department on behalf of the Respondent in all the petitions, the court made the following order:-

According to the learned counsel for the petitioner, the Court below has issued Non Bailable Warrant against the petitioner herein and the same was recalled and the matter was posted for appearance of the petitioner on 03.08.2018. Hence, the present clarification petition before this Court.

2.The learned Standing counsel appearing for the respondent would submit that the presence of the petitioner/Accused No.5 is required before the Court below. Hence, the relief sought for by the petitioner cannot be entertain.

3.Heard both sides.

4.At this juncture, the learned Senior Counsel appearing for the Petitioner requested this Court that three weeks time may be granted to the petitioner for appearing before the trial Court.

5.The learned Standing Counsel for the respondent has not raised any serious objection, on the submissions of the petitioner's counsel.

6.Considering the aforesaid submissions and accepting the request of the counsel for the petitioner, this Court directs the petitioner to file an application before the trial Court seeking permission to appear for the first appearance before the trial Court, within a period of three weeks from today (ie., 02.08.2018). On filing such application, the same shall be considered by the Court below in accordance with law.



7. These petitions are disposed of with the aforesaid directions.

sd/-
02/08/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE ADDITIONAL JUDICIAL MAGISTRATE NO.I,
TIRUCHIRAPPALLI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE AUTHORIZED PERSON,
THE INCOME TAX DEPARTMENT,
BY THE OFFICE OF THE DEPUTY COMMISSIONER
OF INCOME TAX, TDS CIRCLE, MADURAI.

+3. C.C. to M/S.BFS LEGAL Advocate SR.Nos.14851,14852,14853

ORDER IN

Crl.M.P.(MD)Nos.6215, 6216 and 6217 of 2018
in

Crl.O.P(MD)Nos.12553, 12554 and 12555 of 2018
Date :02/08/2018

MS/PN/SAR-2/02.08.2018/3P.7C