

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.14623, 14630 to 14633 of 2019
and
Crl.M.P.Nos.7071, 7077 to 7080 of 2019

1. M/s.B.K.R.Hotels & Resorts Pvt Ltd.
Rep. by its Director
Shri.D.R.Balakrishna Raja
New No.9, Old No.6, Venkatesan Street,
T.Nagar, Chennai - 600 017.
2. Shri.D.R.Balakrishna Raja
Director,
M/s.B.K.R.Hotels & Resorts Pvt Ltd.
New No.9, Old No.6, Venkatesan Street,
T.Nagar, Chennai - 600 017.
3. Smt.B.Devahie
Director,
M/s.B.K.R.Hotels & Resorts Pvt Ltd.
New No.9, Old No.6,
Venkatesan Street,
T.Nagar, Chennai - 600 017.

.... Petitioners in all the Crl.O.Ps

-Vs-

The Tax Recovery Officer,
No.46, M.G.Road,
Nungambakkam,
Chennai.

.... Respondent in all the Crl.O.Ps

Prayer in Crl.O.P.No.14623 of 2019 : Criminal Original Petitions are filed under Section 482 of Code of Criminal Procedure, to set aside the docket order dated 02.05.2019 passed by the learned Additional Chief Metropolitan Magistrate E.O-II, Egmore, Chennai-8, in Crl.M.P.No.956 of 2019 in E.O.C.C.No.413 of 2018.

Prayer in Crl.O.P.No.14630 of 2019 : Criminal Original Petitions are filed under Section 482 of Code of Criminal Procedure, to set aside the docket order dated 02.05.2019 passed by the learned Additional Chief Metropolitan Magistrate E.O-II, Egmore, Chennai-8, in Crl.M.P.No.957 of 2019 in E.O.C.C.No.414 of 2018.

Prayer in Crl.O.P.No.14631 of 2019 : Criminal Original Petitions are filed under Section 482 of Code of Criminal Procedure, to set aside the docket order dated 02.05.2019 passed by the learned Additional Chief Metropolitan Magistrate E.O-II, Egmore, Chennai-8, in Crl.M.P.No.958 of 2019 in E.O.C.C.No.415 of 2018.

Prayer in Crl.O.P.No.14632 of 2019 : Criminal Original Petitions are filed under Section 482 of Code of Criminal Procedure, to set aside the docket order dated 02.05.2019 passed by the learned Additional Chief Metropolitan Magistrate E.O-II, Egmore, Chennai-8, in Crl.M.P.No.955 of 2019 in E.O.C.C.No.412 of 2018.

Prayer in Crl.O.P.No.14633 of 2019 : Criminal Original Petitions are filed under Section 482 of Code of Criminal Procedure, to set aside the docket order dated 02.05.2019 passed by the learned Additional Chief Metropolitan Magistrate E.O-II, Egmore, Chennai-8, in Crl.M.P.No.954 of 2019 in E.O.C.C.No.411 of 2018.

For Petitioners
in all the Crl.O.Ps : Mr.M.Anandaraj

For respondent
in all the Crl.O.Ps : Ms.G.Hema

ORDER

These petitions have been filed challenging the order passed by the Court below dismissing the application filed by the petitioners under Section 317 of Cr.PC.

2. It is seen from records that the petitioners are facing criminal proceeding for an alleged offence under the Income Tax Act. The petitioners had filed an application under Section 317 of Cr.PC seeking for dispensing with their appearance and permit them to be represented by an Advocate and the same was dismissed.

3. The learned counsel appearing for the petitioners submitted that subsequent to the filing of these petitions, the 3rd petitioner died and for the present, the criminal proceedings are pending only as against the 1st petitioner, which is a Company and the 2nd petitioner, who is the Director of the Company.

4. Taking into consideration the facts and circumstances of the case and also considering the age of the 2nd petitioner, the 2nd petitioner is directed to be present before the learned Additional Chief Metropolitan Magistrate E.O-II, Egmore,

Chennai-8 on 04.07.2019 for receiving copies of the complaint and also for questioning. It is left open to the 2nd petitioner to file a petition under Section 205 of Cr.PC seeking for dispensing with his appearance and the Court below shall pass appropriate orders by taking into consideration the facts and circumstances of the case and also the age of the 2nd petitioner, in accordance with law.

5. These Criminal Original Petitions are disposed of with the above directions. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Metropolitan Magistrate,
E.O-II, Egmore, Chennai-8.
2. The Tax Recovery Officer,
No.46, M.G.Road,
Nungambakkam,
Chennai.

1cc to Mr.M.Anandaraj, Advocate sr.46550

CrI.O.P.Nos.14623, 14630 to 14633 of 2019
and
CrI.M.P.Nos.7071, 7077 to 7080 of 2019

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