

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.18832 of 2019

R.N.Kasthuri
S/o R.V.Narayanasamy
Managing Director,
M/s.Appasamy Ocular Devices Pvt. Ltd.,
7-B, New Natarajapuram, Water Tank,
Arumbakkam,
Chennai-106. ..Petitioner

Vs.

The Registrar of Companies,
Shastri Bhawan, II Floor, Block V & VI,
No.26, Haddows Road,
Chennai-6. ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to permit the petitioner to surrender and execute a similar bond as stipulated in CrI.O.P.No.20972 of 2018 and direct the learned Additional Chief Metropolitan Magistrate, (Economic Offences-I) Egmore, Chennai to recall the warrant issued against the petitioner dated 18.06.2018 in E.O.C.C.No.113 of 2018.

For Petitioner :Mr.H.Rajasekar

For Respondent :Mr.B.Ramesh
Company Prosecutor

O R D E R

This petition has been filed to permit the petitioner to surrender and execute a similar bond as stipulated in CrI.O.P.No.20972 of 2018 and direct the learned Additional Chief Metropolitan Magistrate, (Economic Offences-I) Egmore, Chennai to recall the warrant issued against the petitioner dated 18.06.2018 in E.O.C.C.No.113 of 2018.

2.The petitioner is the accused in E.O.C.C.No.113 of 2018 for the offence under Section 233-B of the Companies Act, 1956 for non-filing of cost audit report. Though summons sent by post

was received by his office, he did not appear before the Trial Court. On the first hearing date, the Trial Court had permitted him to file a petition under Section 317 Cr.P.C. But, on the subsequent date, when the petitioner was not present, non-bailable warrant was issued. Therefore, the petitioner is before this Court with the above prayer.

3. Heard Mr.H.Rajasekar, learned counsel for the petitioner and Mr.B.Ramesh, learned Company Prosecutor who was specifically directed to be present before this Court.

4. The learned Company Prosecutor submitted that the offence under Section 233-B of the Companies Act, is punishable with a fine or imprisonment.

5. The petitioner is directed to surrender before the Trial Court within a period of two weeks from the date of receipt of a copy of this order and on such appearance, he shall file a petition under Section 436 Cr.P.C. seeking bail and on he filing such a petition, the Trial Court is directed to release him on bail on the same day on condition that he shall execute a bond for Rs.5,000/- with one surety. The warrant shall be recalled. Permission is granted to the petitioner to file an application under Section 205 Cr.P.C. and the same may be considered, taking into account, the nature of the offence and the age of the petitioner.

6. With the above directions, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vs/jas
To

1. The Additional Chief Metropolitan Magistrate, (Economic Offences-I) Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.H.Rajasekar, Advocate, S.R.No.60559

CrI.O.P.No.18832 of 2019

RGN(CO)
SSM(09/09/2019)