



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

Friday, the Fourteenth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

**CRL MP(MD) No.11151 and 11152 of 2016
& 4857 and 4858 of 2019
in CRL OP(MD) No.21694 of 2016**

1 LUMENIS INDIA PVT. LTD.,
UNITS 308, 309, 3RD FLOOR,
SUN CITY BUSINESS TOWER,
SECTOR 54, GOLF COURSE ROAD,
GURGAON - 122 002,
REP.THROUGH ITS DIRECTOR QIYING ZHAI,
REGISTRED ADDRESS
LUMENIS INDIA PVT.LTD.,
B-376, T/FLOOR, NIRMAN VIHAR,
NEAR LAGAN BANQUET HALL,
NEW DELHI, EAST DELHI.

2 AMIT MITTAL
WHOLE TIME DIRECTOR,
LUMENIS INDIA PVT.LTD.,
UNITS 308, 309, 3RD FLOOR,
SUN CITY BUSINESS TOWER,
SECTOR 54, GOLF COURSE ROAD,
GURGAON - 122 002

3 RASHID MIKHADOO MI
SURGICAL BUSINESS HEAD,
INDIA & SOUTH ASIA,
LUMENIS INDIA PVT.LTD.,

... PETITIONERS/ACCUSED 1,2 & 4
in ALL THE PETITIONS

Vs

DR.K.SEKAR

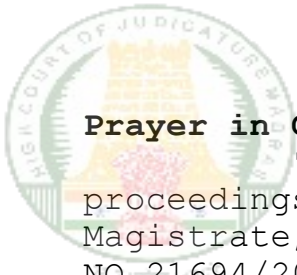
... RESPONDENT/COMPLAINANT
in ALL THE PETITIONS

PRAYER in CRL MP(MD)No.11151/2016:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Interim Stay of all further proceedings in C.C.No. 470 of 2016 on the file of the learned Judicial Magistrate - I, Tirunelveli,

Prayer in CRL MP(MD).11152/2016 :

to dispense with the personal appearance of the petitioners in C.C.No. 470 of 2016 on the file of the learned Judicial Magistrate - I, Tirunelveli.



Prayer in CRL MP(MD).4857/2019 :

To grant an interim order staying all the further proceedings in C.C.No.470/2016 pending before the Learned Judicial Magistrate, Tirunelveli till the final disposal of the Crl.O.P(MD). NO.21694/2016.

Prayer in CRL MP(MD).4858/2019 :

To dispense with the personal appearance of the petitioner No.1 company represented by Mr. Quying Zhai in the proceedings in C.C.No.470/2016 pending before the Learned Judicial Magistrate, Tirunelveli till the final disposal of the Crl.O.P(MD). NO.21694/2016.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.C.MANISHANKAR, Senior Counsel for M/S.K.PRABAKAR, Advocate for the petitioner in CRL MP(MD)Nos.11151 & 11152/2016 AND for MR.T.ANTONY ARULRAJ, Advocate for CRL MP(MD)Nos.4857 & 4858/2019 and of M/S.S.RAGAVENTHREE for M/S.K.PRABHU, Advocate on behalf of the Respondent, the court made the following order:-

The Criminal Original Petition has been filed as against a private complaint instituted by the respondent for the offence punishable under sections 420 and 120B IPC.

2.When this matter was taken up for hearing in the year 2016, this Court by order dated 15.11.2016 was pleased to grant an order of interim stay of further proceedings in CC No.470 of 2016, on the file of the learned Judicial Magistrate No.I, Tirunelveli and also dispense with the personal appearance of the petitioners before the trial Court. Subsequently, the interim orders already granted were also extended by order dated 22.12.2016.

3.While so, on 30.01.2019, when the matter was taken up for hearing, there was no representation for the petitioners as well as for the respondent and therefore, the Criminal Original Petition was dismissed for non-prosecution. Subsequently, the petitioners moved a restoration application and it was also allowed by this Court on 28.03.2019. Apprehending that pursuant to the order dated 28.03.219, only the Criminal Original Petition was restored and the Miscellaneous Petitions, wherein the interim orders were granted, were not restored, the petitioners have filed the present miscellaneous petitions in CRL MP(MD)Nos.4857 and 4858 of 2019. But, it appears that CRL MP(MD)Nos.11151 and 11152 of 2016 were also restored, while restoring the main Criminal Original Petition. At this juncture, the learned Senior Counsel appearing for the petitioners intervened and sought permission of this Court to withdraw CRL MP(MD)Nos.11151 and 11152 of 2016 and endorsements were also made to that effect.

4.The learned Senior Counsel appearing for the petitioners was ready to proceed with the main case. But, the learned Counsel



appearing for the complainant/respondent sought a short accommodation that the learned Senior Counsel, who is leading her in the matter is out of station and sought a short accommodation.

5. The learned Senior Counsel appearing for the petitioners has no serious objections in granting an adjournment, but, would submit that in view of the interim orders having not been restored, the trial Court is insisting for the appearance for the petitioners. Since the first petitioner is an Israeli National and moreover, he is having a very good case, the learned Senior Counsel prays for interim protection.

6. Considering the nature of the offences and there was no representation on either side when the matter was taken up for hearing on 30.01.2019 and also considering the fact that the respondent has not filed any vacate stay application as on date, this Court is inclined to grant interim protection to the petitioners.

7. In fine,

i. CRL MP(MD) Nos. 11151 and 11152 of 2016 are dismissed as withdrawn.

ii. There shall be an order of interim stay of all further proceedings in CC No. 470 of 2016, on the file of the learned Judicial Magistrate No. I, Tirunelveli and the personal appearance of the petitioners before the trial Court is also dispensed with.

8. Call on 28.06.2019.

sd/-
14/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO. 1, TIRUNELVELI.
2. THE JUDICIAL MAGISTRATE, TIRUNELVELI.
3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

- +1. C.C. to M/S.K.PRABAKAR Advocate SR.No.9738
+2. C.C. to M/S.T.ANTONY ARULRAJ, Advocate SR.No.9758,9789

ORDER IN
CRL MP(MD) No. 11151 and 11152 of 2016
& 4857 and 4858 of 2019
IN CRL OP(MD) No. 21694 of 2016
Date : 14/06/2019