



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.25380, 25384, 25395, 25397, 25399,
25404, 25408, 25401 of 2018
and

Crl.M.P.Nos.14429, 14438,14451,14461, 14476, 14484,14489,
14496 of 2018

1. M/s.Kathir Kaman Jewels Private Limited,
Rep. by its Director Mrs.Premalatha
No.45, Sarojini Street,
T.Nagar, Chennai-17.

2. Premalatha

3. R.Sethumadhavan

4. B.Ayyappan

..Petitioners in all Crl Ops

Vs.

The Deputy Director of Income Tax (Investigation)
Unit-3 (3) Nungambakkam,
Chennai-34.

..Respondent in all Crl OPs

Prayer in Crl.O.P. No.25380 of 2018: Petition filed under Section 482 of Cr.P.C., to call for the entire records in complaint in EOCC. No.138 of 2018 on the file of the Additional Chief Metropolitan Magistrate, EO-II, Chennai Egmore at Alli Kulam Road and quash all further proceedings against the accused.

CRL OP No.25384 of 2018:

To call for the entire records complaint in E.O.C.C.No.145 of 2018 on the file of Additional Chief Metropolitan Magistrate, E.O.II, Chennai Egmore at Allikulam road, and quash all further proceedings against the Accused.

CRL OP No.25395 of 2018:

To call for the entire records complaint in E.O.C.C.No.143 of 2018 on the file of Additional Chief Metropolitan Magistrate, E.O.II, Chennai Egmore at Allikulam Road, and quash all quash proceedings against the Accused.



CRL OP No.25397 of 2018:

To call for the entire records complaint in E.O.C.C.No.145 of 2018 on the file of Additional Chief metropolitan Magistrate, E.O.II, Chennai Egmore at Allikulam Road, and quash all further proceedings against the Accused.

CRL OP No.25399 of 2018;

To call for the entire records complaint in E.O.C.C.No.140 of 2018 on the file of the Additional Chief Metropolitan Magistrate, E.O.II, Chennai Egmore at allikulam Road, and quash all further proceedings against the Accused.

CRL OP No.25404 of 2018:

To call for the entire records in complaint in E.O.C.C.No.139 of 2018 on the file of the Additional Chief Metropolitan Magistrate, E.O.II, Chennai Egmore at Allikulam Road, and quash all further proceedings against the Accused.

CRL OP No.25408 of 2018:

To call for the entire records in complaint E.O.C.C.No.142 of 2018 on the file of Additional Chief metropolitan magistrate, E.O.II, Chennai Egmore at Allikulam Road, and quash all further proceedings against the Accused.

CRL OP No.25401 of 2018:

To call for the entire records in complaint E.O.C.C.No.141 of 2018 on the file of Additional Chief metropolitan Magistrate E.O.II, Chennai Egmore at Allikulam Road, and quash all further proceedings against the Accused.

For Petitioners : Mr.P.Ramesh Kumar (in all the petitions)

For Respondent : MrsSheela (In all the petitions)
Spl. Public Prosecutor

O R D E R

The petitioners have filed these petition seeking to call for the entire records in EOCC. Nos.138, 139, 140, 141, 142, 143, 144 & 145 of 2017, on the file of the learned Additional Chief Metropolitan Magistrate, E.O.II, Chennai, Egmore, Allikulam and quash the same.



2. Though several grounds have been raised by the learned counsel for the petitioners, however, this Court is of the opinion the issue is a triable issue and the grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. It is represented by the learned counsel appearing for the petitioners that this Court may issue a direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioners before the Trial Court may be dispensed with.

4. Accordingly, these petitions are disposed of directing the trial court to dispose of EOCC. Nos.138, 139, 140, 141, 142, 143, 144 & 145 of 2017 as expeditiously as possible as per seniority of the case. The petitioners and respondent are directed to co-operate with the trial court for the early completion of trial. Further, taking into consideration the request as made by the learned counsel for the petitioners, their appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Director of Income Tax (Investigation)
Unit-3 (3) Nungambakkam,
Chennai-34.



2. The Additional Chief Metropolitan Magistrate,
EO-II, Chennai Egmore at Alli Kulam Road.

3. The Public Prosecutor,
High Court of Madras, Chennai 600 104.

+lcc to M/s.Sheela, Advocate, Special PP Income Tax, Sr.No.56077

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and
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14484, 14489, 14496 of 2018

VSN II (CO)
srg 29/12/2021