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W.P.No.10289 of 2015

W.P.No.10289 of 2015

and

M.P.No.1 of 2015

C.SARAVANAN, J.

This Writ Petition has been filed for a Mandamus, to forbear the first respondent from interfering with the normal working system of the petitioner company or its Employees or Directors without observing the due procedure established by law or as guaranteed under the Constitution of India.

2. When the case was taken up for hearing on 28.10.2022 in the forenoon, there was no representation on behalf of the petitioner. Based on the submissions of Mr.Kr.Srinivasan, learned Special Public Prosecutor (CBI) for the first respondent and Mr.P.T.Ramkumar, learned Standing Counsel for the second and third respondents, this Writ Petition was dismissed as infructuous in the forenoon, on the ground that the criminal proceedings have been initiated.

3. Order dated 28.10.2022 dismissing the Writ Petition as infructuous reads as under:-

" There is no representation on behalf of the petitioner.

2. Mr.Kr.Srinivasan, learned Special Public Prosecutor (CBI) for the first respondent and Mr.P.T.Ramkumar, learned Standing Counsel for the second and third respondents are



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present and submitted that pursuant to a case registered in Crime No.RC/6/A/2015/CBI/ACB/Chennai under Section 120-B r/w Sections 420, 468 of IPC r/w Section 471 of IPC and Section 13(2) r/w Section 13(1)(2) of the Prevention of Corruption Act, 1988, a final report has been filed on 21.09.2016 and the case was taken up in C.C.No.02 of 2016 before the learned Chief Judicial Magistrate, Madurai, wherein, the petitioner's Company has been arrayed as the first accused/A1. Therefore, the prayer sought for in this writ petition has become infructuous.

3. Recording the same, this Writ Petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed."

4. However on 28.10.2022 after the case was dismissed in the forenoon, there was a request for recalling the order and therefore, the case was listed on 14.11.2022 and on 16.11.2022. On both the dates, the case was adjourned to 17.11.2022 at the request of the learned counsel for the petitioner.

5. Today i.e., on 22.11.2022, when the case was taken up for hearing in the afternoon at 2.20 p.m., there was no representation on behalf of the petitioner. Therefore, the matter was passed over and once again called in the



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afternoon at 4.35 p.m. Again, there was no representation on behalf of the petitioner.

6. Under these circumstances, I do not find any reasons to recall the order dated 28.10.2022, as the petitioner is not keen in prosecuting the case, despite adequate opportunity being given.

7. Hence, no further orders are required to be passed to recall the order dated 28.10.2022.

22.11.2022



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