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CrI.O.P.No.4803 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.4803 of 2019

and

CrI.M.P.No.2830 of 2019

R. Jayachandran

... Petitioner

Vs.

1.The Assistant Commercial Tax Officer,
Commercial Taxes Department,
Karaikal.

2.Murugan

3.M/s.Larsan & Toubro Ltd.,
Represented by C
No.10, Club House Road,
Anna Salai,
Chennai.

4.M/s.Ultratech Cement Ltd.,
Represented by Chairman,
Sri Kumar Mangalam Birla,
1st Floor, No.23, Anna Salai,
Little Mount, Saidapet,
Chennai.

... Respondents



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Prayer: Criminal Original Petition is filed under section 482 of CR.P.C., to call for the records in C.C.No.79 of 2007 on the file of the learned Judicial Magistrate Court No.II, Karaikal and quash the same.

For Petitioner : Mr. N. Suresh

For Respondents : Mr. V. Balamurugane,
Public Prosecutor (Pondicherry)

ORDER

The petitioner herein who is the second accused in a private complaint filed by the Assistant Commercial Tax Officer, Karaikal alleging that the accused 1 to 4 has misused 'C' Form for evading tax. The private complaint filed on 02.05.2007 and taken cognizance by the learned Judicial Magistrate No.II, Karaikal and assigned C.C.No.79/2007.

2. When this petition is taken up for consideration on 22.02.2019, this Court has granted interim stay and also dispensed with the personal appearance of the petitioner before the trial Court. When the matter came up for consideration before this Court, the report from the Judicial



Magistrate was called for, to ascertain cause for the delay in disposal of the case. The learned Additional District cum Judicial Magistrate II, Karaikal has submitted her report dated 20.06.2022, which reads as below:-

"I submit that the C.C.79/2007 was taken on file on 09.06.2007 and as per Order in Crl.O.P.No.24135/2007 dated 18.08.2007, the entire case records was submitted to the Hon'ble High Court, Madras and interim stay was granted, subsequently Crl.O.P.No.24135 of 2007 was dismissed on 07.08.2009. Further, I submit that the present petitioner/Accused No.2/R.Jayachandiran in Crl.M.P.No.2830 of 2019 in Crl.O.P.No.4803 of 2019 filed a petition before the Hon'ble High Court, Madras to stay all proceedings in C.C.No.79/2007 and to quash the FIR in which interim stay was ordered on 22.02.2019 to stay all further proceedings. Now the case is posted to 01.03.2022 for execution of warrant against Al Murugan. Further, I submit that the entire case records was already submitted to the Hon'ble High Court is yet to be received by this Court."

3. From the report of the Judicial Officer indicates that out of 4 accused in this case, due to their petition before the High Court and interim stay granted, there was no progress, for which the co-accused, who is the



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petitioner herein cannot blame the complainant. In fact from 22.02.2019 to till date, the case is pending because of interim stay obtained by this petitioner in this petition.

4. In the light of the above fact, the criminal original petition is dismissed with a direction to the trial Court to take up the matter on day to day basis and dispose it of expeditiously on merit. The personal appearance of the petitioner may be dispensed with, if any, petition is filed for that purpose. Consequently, connected miscellaneous petition is closed.

06.07.2022

AT

Internet : Yes

Index : Yes/No

Speaking / Non-speaking

Note: Registry is directed to return the records, if any, to the trial Court forthwith.



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To

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1.The Judicial Magistrate Court No.II, Karaikal.

2.The Assistant Commercial Tax Officer,
Commercial Taxes Department,
Karaikal.



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Crl.O.P.No.4803 of 2019

Dr.G.JAYACHANDRAN,J.

AT

Crl.O.P.No.4803 of 2019 and
Crl.M.P.No.2830 of 2019

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