



Crl.R.C.No.667 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.667 of 2024

1.M/s.Sri Valliammal Matriculation Hr. Sec. School
Represented by Smt.V.Chandrammal
Principal Employer

2.Smt.V.Chandrammal

... Petitioners

Vs.

Employees State Insurance Corporation
Rep. by its Social Security Officer (Legal)
143, Sterling Road, Nungambakkam,
Chennai – 600 034.

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, seeking to set aside the order passed by the Hon'ble II Metropolitan Magistrate Court at Egmore, Chennai arising out in Crl.M.P.No.43505 of 2023 in C.C.No.4637 of 2023 dated 17.10.2023.

For Petitioners : Ms.R.S.Subashree
for M/s.T.R.Prabhakaran
For Respondent : Mr.S.P.Srinivasan



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ORDER

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The criminal revision case has been filed seeking to set aside the order dated 17.10.2023 passed in Crl.M.P.No.43505 of 2023 in C.C.No.4637 of 2023 by the II Metropolitan Magistrate Court at Egmore, Chennai.

2.The learned counsel appearing for the petitioners submitted that the petitioners were arrayed as the accused in C.C.No.4637 of 2023 on the file of the II Metropolitan Magistrate Court at Egmore, Chennai for the offence under Section 85 (e) of the Employees State Insurance Act, 1948 punishable under Section 85(ii) of the said Act. Since the petitioners did not appear before the trial Court, NBW was issued against them. Thereafter the petitioners filed application under Section 70(2) of Cr.P.C. to recall the NBW in Crl.M.P.No.43505 of 2023 and the said petition was dismissed. Hence the petitioners have filed this revision.

3.The learned counsel appearing for the petitioners further submitted that the petitioners were implicated for the above offences on the allegation that being the Principal Employer of Sri Valliammal Matriculation Hr. Sec. School, she failed to pay the insurance amount



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as per the Employees State Insurance Act. The learned counsel further submitted that though the petition filed by the petitioners was dismissed, this Court may permit the petitioners to appear before the trial Court by executing sureties and further liberty may be granted to the petitioner to once again file petition under Section 70(2) of Cr.P.C. and direct the trial Court to consider the said petition graciously.

4.The learned counsel appearing for the respondent submitted that in the event of the petitioners appearing before the trial Court and executing sureties, this Court may consider the request now made by the learned counsel appearing for the petitioners.

5.In view of the above, the petitioners are directed to appear before the trial Court and file surrender application and application under Section 70(2) of Cr.P.C. In the event of the petitioners surrendering before the trial Court and filing such applications, the trial Court, without referring to the impugned order, shall consider the applications filed by the petitioners and pass appropriate orders, as expeditiously as possible.



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M.DHANDAPANI,J.
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6.The criminal revision case is disposed of with the above directions.

17.04.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Employees State Insurance Corporation
Rep. by its Social Security Officer (Legal)
143, Sterling Road, Nungambakkam,
Chennai – 600 034.

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