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CrI.O.P.No.4893 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.2.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.4893 of 2024

Mr.S.Vinoth Kumar

...Petitioner

Vs.

The Assistant Commissioner of
Goods & Service Tax, Chennai
South Commissionerate, 692,
MHU Complex, 5th Floor,
Anna Salai, Chennai-35.

...Respondent

Criminal Original Petition under Section 482 of Criminal Procedure Code praying to direct the Additional Chief Metropolitan Magistrate Court (EO-II), Chennai to recall the non bailable warrant and proclamation order under Sections 82 & 83 of the Criminal Procedure Code dated 04.1.2024 by considering the recall petition of the petitioner on his surrender before the same Court on merits on the same day in connection with E.O.C.C.No.3 of 2023 on the file of the respondent.



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For Petitioner : Mr.Nithyesh Nataraj for
M/s.Srilaw Associates
For Respondent : Mr.N.P.Kumar, Special P.P.

ORDER

This Criminal Original Petition has been filed seeking to recall the non bailable warrant and proclamation order dated 04.1.2024 issued by the learned Additional Chief Metropolitan Magistrate (EO-II), Chennai.

2. The petitioner is arrayed as an accused in E.O.C.C.No.3 of 2023 on the file of the Additional Chief Metropolitan Magistrate Court (EO-II), Chennai for the offences punishable under Section 9(1)(d)(i) of the Central Excise Act, 1944 read with Sections 89(1)(d) and 89(1)(d)(ii) of the Finance Act, 1994.

3. The petitioner was absent during the trial in E.O.C.C.No.3 of 2023 on the file of the Additional Chief Metropolitan Magistrate Court (EO-II), Chennai. Therefore, the non bailable warrant and proclamation order came to be issued on 04.1.2024.



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4. The learned counsel appearing on behalf of the petitioner undertakes that the petitioner will appear before the Court below regularly on all future hearing dates without fail.

5. Considering the undertaking given by the learned counsel for the petitioner, the petitioner is directed to appear before the learned Additional Chief Metropolitan Magistrate (EO-II), Chennai within a period of two weeks from today. On filing of a petition to recall the non bailable warrant issued against him, the Court below is directed to consider the same on merits and pass orders on the same day.

6. Accordingly, the Criminal Original Petition stands disposed of.

29.2.2024
N.ANAND VENKATESH, J

ssr



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Index : Yes/No

Internet : Yes/No

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To

- 1.The Additional Chief Metropolitan Magistrate Court (EO-II), Chennai.
- 2.The Assistant Commissioner of Goods & Service Tax, Chennai South Commissionerate, 692, MHU Complex, 5th Floor, Anna Salai, Chennai-35.
- 3.The Public Prosecutor, High Court, Madras.

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