



Crl.R.C.No.68 of 2024s

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.68 of 2024
and
Crl.M.P.No.489 of 2024**

Smt.Ruban Jeyasankari

... Petitioner

Vs.

The Income Tax Officer,
Non Corporate Ward 15(2),
Wanarpathy Block,
Aayakar Bhawan,
121, Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w 401 of the code of Criminal Procedure, to set aside the order dated 03.11.2023 in Crl.M.P.No.2219 of 2022 in E.O.C.C.No.25 of 2018 on the file of the Additional Chief Metropolitan Magistrate (E.O.II), Egmore, Chennai.



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Crl.R.C.No.68 of 2024s

For Petitioner : Mr.S.Ramesh Kumar
for Mr.N.Thiyagarajan
Senior Counsel

For Respondent : Mrs.G.Hema
Special Public Prosecutor (I.T)

ORDER

This criminal revision has been filed to set aside the order dated 03.11.2023 passed in Crl.M.P.No.2219 of 2022 in E.O.C.C.No.25 of 2018 by the Additional Chief Metropolitan Magistrate (E.O.II), Egmore, Chennai.

2. The case of the petitioner is that the petitioner / accused has filed a petition in E.O.C.C.No.25 of 2018 before the Additional Chief Metropolitan Magistrate (E.O.II), Egmore, Chennai on the ground that the petitioner has not filed income tax returns, thereby the concerned authority filed a complaint before the Economic offence Wing. When the complaint is pending, the petitioner has filed an application for compounding the offence which was rejected due to pendency of the criminal proceedings. On rejection of the application, the petitioner has filed Crl.O.P.No.7378 of 2018 and the same was dismissed with a direction to dispose of E.O.C.C.No.25 of



CrI.R.C.No.68 of 2024s

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2018. Thereafter, the petitioner has filed a petition u/s 249 of Cr.P.C. seeking to discharge him from the charges levelled against him before the learned Additional Chief Metropolitan Magistrate (E.O.II), Egmore, Chennai which was dismissed by the trial Court vide impugned order, dated 03.11.2023. Challenging the same, the petitioner has filed the present revision.

3. Though very many grounds have been raised by the petitioner against the order impugned, however, when the matter is taken up for hearing today, the learned Senior Counsel appearing for the petitioner submitted that the petitioner would contest the case before the trial Court and this Court, without going into the merits of the case may dispense with the appearance of the petitioner before the trial court.

4. Though such a prayer has been sought for, however, it is to be pointed out that the presence of the petitioner cannot be dispensed with in toto. In such view of the matter, this Court, without going into the merits of



Crl.R.C.No.68 of 2024s

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the case, directs that the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving copies u/s.207 and 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 petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

5. Accordingly, this Criminal Revision Case is dismissed.

Consequently, connected miscellaneous petition is closed.

01.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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Crl.R.C.No.68 of 2024s

WEB COPY

To

1. The Additional Chief Metropolitan Magistrate (E.O.II),
Egmore,
Chennai.

2. The Income Tax Officer,
Non Corporate Ward 15(2),
Wanarpathy Block,
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Crl.R.C.No.68 of 2024s

M.DHANDAPANI, J.

vji

**Crl.R.C.No.68 of 2024
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