

Karnataka High Court

Akay Industries Ltd vs Ismail Shariff S/O Ahamed Shariff ... on 1 April, 2008

Author: Dr.K.Bhakthavatsala

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CRLSP.NQ.._if3915/2006

ORDER

The pç:tiii(n1cr/accused in C4CçNo.238/2002: cal}-_ -- JMFC'. III (3ou1't. at Hublii. is bcferc
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1'c3':2ct:iJ3§V\$3::ie:_TV□pp§§i<:gfti;::1:1«. cotmsel for that aç<:Vus»*:d "under b2SiV'of Hca□i
ax~gume11t\$,«--

3. Laaznttd ccwuxmel submits that
since: the aoc11st;d« hc had ill1st;mrc:tcd his

counsel not to; and themfore, counsel for thc «'tfei"va::z:i',*§xxrt:r thct glca, but tlm learned
Magisw*a1;é:_ c11v§:ci gx□□atioxx.

4. TheEk;ai'1:xec§' Magdé\$u§3ite has taken ccngzance ass agaiimt the
_.,p1'c\$ t::1t§':pgfiiiinqnex'/"aç:11c;5çrd for the offence llldfii' Section 138 of the
V"I§3cg§jiiabic:_vIns't:r:Li3:açnt\$ Act. when the cast: was posted for recmti-ixag p.1£m
:éfV£i1Vc:fV the cmmsel for the acc--11sçd □ed an application .;inde1".'4'£§c<ifip1f1 Q51 of
C.r.P.C., in answer the: plea o11 behalf {Ff 'thy: ' The lcaxwmd Magighate, a□er hearixg
argu.1nc:11't\$ an □□'_;§.p'g.x□a□on. has obsezvcd that thus appearamtr: of the accuscd was
not under Sect:ion 205 of Cr.P.C.'. Thercfere, the detcision crifxtcl the 1ç:a;m:1c:d <:om:m::l far
□m petitiomrj a<:c11scd reported £31 1986 .s:i'ismis--séd;-.*.

Gilt; \$322006» CRL.LJ (1) 467 (mm-1; Hi{ }H COURT), thercfom, Itjected the alaplicatiuxx.

5. According to» Section of c:::~.11Vé'r;.% , appears in a summ.o1*1s case or is g□agisirate, the
particllars of the gift-neev shall b□mated to him, and "he: sh.aI1};u: guilty or has any defence 1:o to
freune a formal c:hargt:. Seattiérg give right 'to: the (:m;r;s<*:1 for the of the aCC't1\$«€§'d. I sec:
120 :i11cgali't.y of c:>'1"tit;~:r.

6., 131 thé Irgeixlii. file petjtixz fails and the same is hr;~:n::'t:y" h buvw _Sd/-W E□ge