

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3167 of 2016

ORDER:

This Criminal Petition is filed by the petitioner under Section 482 Cr.P.C., seeking to quash the order, dated 16.02.2016, in CrI.M.P.No.410 of 2016 in CC No.529 of 2014 passed by the Special Judicial Magistrate of First Class, Vizianagarm.

The petitioner is the accused in CC No.529 of 2014 on the file of the Special Judicial Magistrate of First Class, Vizianagaram, for the offence punishable under Section 138 of the Negotiable Instruments Act. The allegation against the petitioner is that she borrowed a sum of Rs.5,00,000/- from the de facto complainant by executing a promissory note. It is stated that the de facto complainant also filed a suit in O.S. No.34 of 2015 before the Senior Civil Judge, Vizianagarm. The said promissory note was filed before the Senior Civil Judge's Court. Hence, she filed the impugned application before the Court below to call for the said promissory note from the Court, where the suit is pending. The Court below allowed the said application through the order impugned. Against the said order, the present petition is filed by the petitioner.

Heard and perused the material available on record.

After hearing the arguments of both sides and after perusing the material available on record, this Court is of the view that the order passed by the Court below is not suffered with any illegality and hence, this Court is not inclined to interfere with the same.

At this stage, the learned Counsel for the petitioner prayed for dispensing with the presence of the petitioner before the trial Court.

In view of the above submission, the presence of the petitioner

before the trial Court is dispensed with except on the dates on which the trial Judge insists for her presence. The petitioner is directed to be represented through a Counsel before the trial Court on all hearing dates.

Accordingly, the Criminal Petition is disposed of. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

March 11, 2016.
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