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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITIOIN NO.3988 OF 2018

Sudershan Kaur Chhabra

Petitioner

Vs

Prime Semiconductors & Ors..

.Respondents

Mr. Vijay Killedar for Petitioner.

Ms. Veera Shinde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 12th September 2018.

P.C.:

- 1] Leave to amend. Amendment be carried out forthwith.
- 2] Heard the learned counsel for the petitioner and the learned APP. Perused the record.
- 3] By the present petition, the petitioner has impugned the Order dated 5.9.2018 passed by the learned Metropolitan Magistrate, 14th Court, Girgaon, Mumbai in Complaint Case No.345/SS/2018, rejecting the application for exemption of petitioner and issuance of non-bailable warrant against her.

The record indicates that, the petitioner is accused No.3 in the

said complaint filed by the respondents under section 138 of Negotiable Instruments Act. As per pleadings, the petitioner is aged about eighty years and she is mother of respondent No.2/accused No.2. That on 5.9.2018 an application for exemption on behalf of petitioner was filed below Exhibit 13 which was rejected by the learned Magistrate on the ground that, on earlier occasion exemption application was granted as a last chance and despite that again an application for exemption was filed and the reasons mentioned therein are not satisfactory. The complainant also filed an application for issuance of non-bailable warrant against the petitioner. The learned Magistrate by the impugned Order rejected the application preferred by the petitioner for exemption and issued non-bailable warrant against her.

4] The record clearly indicates that, the petitioner is a dotage lady and is suffering from age related ailments and therefore it is difficult for her to attend each and every date before the Trial Court. The respondent No.2/accused No.2 is the son of petitioner and he is regularly attending the Trial Court on all dates unless precluded for medical reasons.

5] In view thereof, the non-bailable warrant issued against the petitioner is hereby cancelled and the petitioner is exempted from

attending the Trial Court on every date. However, the petitioner is directed to attend the Trial Court on necessary dates such as recording of her evidence and on the date of pronouncement of Judgment and Order.

The Trial Court shall not insist the petitioner for attending all dates before it and summon her only on necessary dates, as noted hereinabove.

6] Writ Petition is allowed in the aforesaid terms.

Anil
Chandrakant
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by Anil
Chandrakant
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Date: 2018.09.25
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(A.S.GADKARI, J.)