



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P.(MD) No.23260 of 2013

and

M.P.(MD) Nos.1 and 2 of 2013

Uлага Nayagi

.. Petitioner/Respondent 1/Accused

Vs.

R.Ananda Lingam

... Respondent/Petitioner/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to admit this quash petition on file, to call for the records in C.C.No.338/2013 on the file of the Learned Judicial Magistrate, Tiruchendur, Thoothukudi District and to quash the same with regard to this petitioner.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.C.T.Perumal

ORDER

The petitioner seeks to quash the proceedings in C.C.No.338/13 on the file of the learned Judicial Magistrate, Tiruchendur. The ground taken by the petitioner is that the complainant is a stranger. She has not issued the cheque in dispute. This ground can better be taken during trial and be establish. Therefore, leaving open all the defences available to the petitioner, this Criminal Original Petition is dismissed.

2. However, the relief of dispensing with the personal appearance of the petitioners can be given.ailable warrants have been issued against the accused. The petitioner is directed to appear before the Trial Court. On such application being filed, the Trial Magistrate is directed to recall the NBW on the same day. Since the petitioner is a woman, who is a senior citizen, the Trial Magistrate shall not insist on the personal appearance of the petitioner. The petitioner is directed to appear before the Trial Magistrate as and whenever her appearance is required. The petitioner has to answer the charges framed against her. She has to present herself during the examination under Section 313 of Cr.P.C. and she has to be present when the Judgment is pronounced. Thus, only when the appearance is absolutely imperative, she may be



directed to be present. On other occasions, she can be represented by her counsel.

3. With these reliefs, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

/True Copy/

Sd/-

Assistant Registrar (P&A)

Sub Assistant Registrar

To

The Judicial Magistrate,
Tiruchendur,
Thoothukudi District

+1CC to C.T.Perumal Advocate in SR.No.61850.

PNN

DS/SV/MMS/SAR-3 :07.06.2018: 2P/3C

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