



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P. (MD) No.19091 of 2019

and

Crl.M.P. (MD) Nos.11214 and 11215 of 2019

B.Sornadevi

: Petitioner

Vs.

N.Shrinivas Vivek

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No. 165 of 2019 on the file of the Judicial Magistrate, Fast Track Court (Magistrate Level) Thoothukudi.

For Petitioner

: Mr.R.Maheswaran

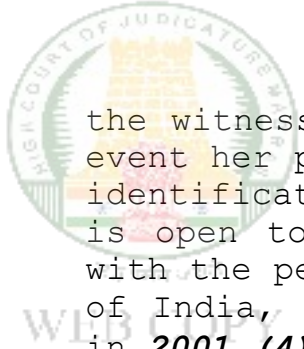
ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No. 165 of 2019 on the file of the Judicial Magistrate, Fast Track Court (Magistrate Level) Thoothukudi.

2.The learned counsel appearing for the petitioner would submit that the petitioner is only silent partner in the first accused firm which is partnership firm. He would also submit that the petitioner is not a signatory to the cheque, whereas she has been arrayed as an accused. The entire allegations are only against the first accused firm and the managing partner. However he would submit that the petitioner being a lady her personal appearance of the petitioner before the trial Court, may be dispensed with.

5.Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that he shall be present on the first day of appearance, on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

6.The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of



the witnesses. The petitioner shall appear before the Court in the event her presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorical tactics, it is open to the Trial Court to insist for her appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, **in State of Uttar Pradesh Vs. Shambunath Singh**, reported in **2001 (4) SCC 667**.

7. Accordingly, this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.11214 of 2019 stands are closed and Crl.M.P(MD) No.11512 of 2019 stands ordered.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Judicial Magistrate,
Fast Track Court (Magistrate Level) Thoothukudi.

+1 CC to M/s.R.MAHESHWARAN, Advocate (SR-106056[F] 19/12/2019)

Crl.O.P. (MD) No.19091 of 2019
and
Crl.M.P. (MD) Nos.11214 and 11215 of 2019
19.12.2019

aav

SDS(21.01.2020) 2P-3C