



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No.3236 of 2020

and

Crl.M.P.(MD) Nos. 1704 & 1705 of 2020

Muthuselvi

...Petitioner/Accused

Vs.

IDBI Bank Limited,
Represented by its
Branch Head.
No.85/4A, Ground Floor,
Balaji Avenue, Trichy Road,
Thuraiyur - 621010

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to quash the STC No.484 of 2019 on the file of the Judicial Magistrate Court, Thuraiyur.

For Petitioner : Mr.S. Muthukrishnan

O R D E R

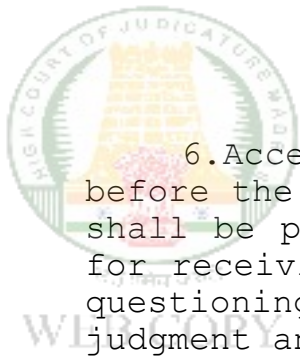
The Criminal Original Petition has been filed to quash the proceedings in STC No.484 of 2019 on the file of the Judicial Magistrate Court, Thuraiyur.

2.The learned counsel appearing for the petitioner would submit that the petitioner has discharged her liability, however the cheque towards security has been misused. He would further submit that she is innocent person and she has been falsely implicated in this case and hence, sought for quashment of the proceedings.

3. Perused the material documents available on record.

4. This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

5. At this juncture, the learned counsel appearing for the petitioner prayed that the personal appearance of the petitioner before the trial Court, may be dispensed with.



6. Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that she 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.

7. The petitioner is further directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing him 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 his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his 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**.

8. Accordingly, this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.1704 of 2020 stands closed and Crl.M.P(MD) No.1705 of 2020 stands ordered.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Judicial Magistrate,
Thuraiyur, Trichy District.

+1 CC to M/s.S.MUTHUKRISHNAN, Advocate (SR-7963[F] dated 24/02/2020

Crl.O.P. (MD) .No.3236 of 2020
24.02.2020

SDS (17.06.2020) 2P-3C