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Crl.O.P.No.4453 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4453 of 2026

Dinesh Gopaldas Ashar

... Petitioner

Vs.

M/s.Samunnati Agro Solutions Pvt. Ltd.,
Represented by its Power Agent K.Amudan,
Having office at, Baid Hi Tech Park, No.1129-B,
8th Floor, East Coast Road, Thiruvannamiyur,
Chennai – 600 041.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to dispense with the appearance of this petitioner/A2 pending disposal of Summary Trial Case No.3605 of 2023 pending on the file of the Fast Track Court V at Magistrate Level for Trial of cases under Negotiable Instruments Act, Saidapet, Chennai.

For Petitioner : Mr.K.M.Balaji

ORDER

This Criminal Original Petition has been filed seeking to dispense with the personal appearance of the petitioner/A2 pending disposal of Summary Trial Case No.3605 of 2023, on the file of the Fast Track Court V



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at Magistrate Level for Trial of cases under Negotiable Instruments Act,
Saidapet, Chennai.

2. Upon perusal of the materials available on record, it is seen that the petitioner, without filing the necessary petition under Section 205 Cr.P.C. (corresponding to Section 228 of BNSS) seeking to dispense with his personal attendance before the trial Court, has directly approached this Court.

3. At this juncture, the learned counsel for the petitioner submitted that the petitioner, a resident of Thane, Maharashtra, is suffering from prostate cancer and has been advised not to travel. He further submitted that since the trial Court insists upon the presence of the petitioner for filing a petition under Section 205 Cr.P.C., the petitioner has directly approached this Court by filing the present petition under Section 528 of the BNSS. He also produced the petitioner's medical records to substantiate his medical condition.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.



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5. Since an effective remedy is available under Section 205 Cr.P.C. (corresponding to Section 228 of BNSS), the petitioner is permitted to file the appropriate petition before the trial Court, along with the medical records, through his Advocate. The learned trial Judge shall consider the same, taking into account the medical records of the petitioner, and pass orders on merits and in accordance with law.

6. It is made clear that the petitioner shall be duly represented by his counsel before the trial Court on all hearing dates. Whenever the presence of the petitioner is specifically required for the progress of the summary trial, he shall appear before the Court.

7. Accordingly, this Criminal Original Petition stands disposed of.

24.02.2026

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Neutral Citation: Yes/No

To

The Fast Track Court V at Magistrate Level
for Trial of cases under Negotiable Instruments Act,
Saidapet, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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