

ORDER BELOW EXH. 25 IN C. C. NO. 3951/SS/2019

01. The present application filed by accused No. 3 under section 205 read with 317 of the Cr.P.C. for permanent exemption of accused No. 3.

02. It is the contention of accused No. 3 that, she is suffering from a terminal illness of Low Blood Pressure for the past 10 years and also suffering from Spondylitis and has been advised not to travel and due to the present case she has to travel for long hours. The accused is permanent resident of Kandivali, Mumbai. Due to the travelling her condition will get worsen. She has also two minor children and she is the primary caretaker. In support of contention relied upon the judgment of **Bhaskar Sen V/s. State of Maharashtra 2004 (4) MhLJ 1115**. Hence, prays that the application be allowed.

03. The application is resisted by the complainant by filing say vide Exh. 27 on the ground that the accused No. 3 is the signatory of the disputed cheques. The accused No. 1 is a company and plea is not recorded. The accused No. 2 is dropped out and accused No. 4 is abated. Accused No. 3 is resident of Mumbai. Also not annexed medical certificate. The application is not signed by accused No. 3. Hence, prays that the application be rejected with heavy costs.

04. Upon hearing both the sides. I have gone through the under section 205 of the Cr.P.C. the personal attendance of the accused may be dispensed with if there are sufficient evidence. As per the contention of the application the accused is suffering from

Low Blood Pressure and Spondylitis. But the accused not filed on record any documentary evidence in support of her contention. Also the accused is residing at Kandivali, Mumbai and the Court is situated in Mumbai. Therefore, there is no necessity to travel for long hours. The reason given for permanent exemption are not supported with evidence which are satisfactory. Hence, moreover the accused is appearing through Advocate as the case is summary case. Hence, I do not find it proper to grant permanent exemption. In view I pass the following order :

ORDER

The application Exh. 25 is rejected.

Sd/-

(M. R. Dhanorkar)

Judicial Magistrate First Class,
7th Court, Dadar, Mumbai

Date : 01.11.2025