

**IN THE COURT OF THE JUDICIAL MAGISTRATE,
SULUR, COMBATORE DISTRICT.**

**Present: Thiru.T.Arunkumar,M.A.,M.L.,M.B.A.,
Judicial Magistrate, Sulur**

Tuesday the 01st day of July 2025

Crl.M.P. No:5336 of 2023

in

STC No. 608 of 2023

Mrs.Latha Victor

W/o.Mr.Victor,

D.No.3/66, Vilankuruchi Road,

Cheran Maanagar,

Coimbatore.

... Petitioner/Accused.

-Vs-

Mrs.Parimala

W/o.Mr.Yuvaraj

... Respondent/Complainant

This petition has been filed on 31.10.2023 and came final hearing on 20.06.2025 in the presence of Dr.A.P.Jayachandran and Thiru.M.G.Ashok, learned counsels for the petitioner/accused and Thiru.A.Rajesh,B.Lit.,B.L., learned counsel for the respondent/complainant and upon perusal of the petition and connected records and on hearing both sides, this court passed the following

ORDER

The present petition has been filed under section 205 of Cr.P.C by the petitioner prays to dispense her personal attendance and seeking permission to represent through her counsels.

(1). The gist of the affidavit filed by the petitioner /accused is as follows:

The petitioner submits that she is having ailments and respiratory problems and taking treatment at Sarvam and KG Hospital, Coimbatore and she has to take care of her 14 years old daughter and prays to dispense her personal attendance and seeking permission to represent through her counsels, namely, Mr.A.P.Jayachandran, Mr.M.G.Ashok, Mrs.Sowmiya and Mr.Murugesan.

(2). The gist of the counter filed by the respondent / complainant is as follows: -

The respondent/complainant submits that the petition is false, frivolous, vexatious and not maintainable and unsustainable both in law and on facts and the petitioner/accused had not produced any medical report for her treatment and after giving sufficient opportunity to cross examine PW1, the petitioner/accused come forward with this petition to prolong the trial proceedings and hence, prays to dismiss the petition with cost.

(3). Now the point to be decided is, Whether this petition could be allowed or not?

(i). Heard, and perused the records.

(ii). The petitioner/accused prayed this court for dispense of personal appearance before this court. In support of the petition, the petitioner not filed any medical records or supporting documents in order to prove the ailments which stated in the petition.

(iii). The Hon'ble Supreme Court of India in *Maheshkumar Kejeriwal Vs Manoj Jindal and Another* held that "***The accused cannot claim blanket exemption from personal appearance in cases under 138 of NI Act***".

(iv). By applying the principle enunciated from the Hon'ble Supreme Court of India squarely applicable to our present case also. Except the averments contained in the petition, no other supporting medical records filed along with the petition and also during enquiry, not furnished any medical records.

(v). In result this court is not inclined to allow this petition for personal dispense of appearance on all hearings. But, the petitioner is at liberty they may file personal appearance dispense petition on hearings if she is able to appear before this court.

Dictated by me to the Steno typist and typed by her directly in the computer and after effecting necessary corrections pronounced by me in the open Court on this the 01st day of July 2025.

**Judicial Magistrate,
Sulur.**

Petitioner side witness: - Nil

Petitioner side list of Documents: - Nil

Respondent side witness: - Nil.

Respondent side documents: - Nil.

**Judicial Magistrate,
Sulur.**