

**IN THE COURT OF JUDICIAL MAGISTRATE SIRKALI**

Present: R.Kailaash, B.A., B.L.,  
Judicial Magistrate,  
Sirkali.

**10<sup>th</sup> day of April 2025, Friday**

**CrL.M.P.No.177 of 2026**

**in**

**STC.No.255/2025**

Durairaj,  
S/o Periyasamy

... Petitioner/Accused

**-Vs-**

Sri Lakshmi Finance  
Rep.by its Managing Partner Suresh Chand

...Respondent/Complainant

This petition came for final hearing on 10.04.2026 and after considering the submissions and perusal of records placed before me, I understood and deliver the following,

**ORDER**

**1.** This petition has been filed by the petitioner/accused u/s 228 BNSS seeking permission to conduct the case through an advocate.

**2.Contention of the Petitioner:-**

It is the contention of the petitioner that the accused is presently at Dubai for his business purpose and he is not in a position to attend the court hearings. Hence, it is prayed that his advocate Mr.B.Rangaraju M.A.,B.L., bearing roll no. MS 420/1987 be permitted to appear, attend the court hearings on his behalf for the purpose of receiving the legal papers and for answering the charge as well as for conducting the case further.

### **3. Contention of the Respondent:-**

The respondent/complainant filed a counter explaining how allowing this petition will cause serious prejudice to them and will lead to dragging this case endlessly. It is their contention that the accused having issued the cheque towards legally enforceable debt, he is duty bound to appear and contest the case or to settle the matter amicably for which he is not ready. Hence, it is prayed that this meritless petition be dismissed in limine.

4. Heard both sides. Perused the case records.

5. This is a private complaint instituted by the respondent/complainant against the accused alleging that the accused had committed the offence punishable u/s 138 of the NI Act. It is the case of that complainant that the accused had issued him a cheque on 05.12.2024 for Rs.50,00,000/- which was dishonoured for want of sufficient funds. On filing of the said complaint, this court took cognizance of the offence and issued summon to the accused. The said summon was returned for the reason 'refused'. On the date fixed for the first appearance of the accused which was on 09.06.2025, Advocate Mr.B.Rangaraju filed vakalat for the accused stating that the accused is in Dubai and so he could not attend the court hearing. In the said vakalat the signature of the accused is not written in pen but it is a scanned copy of the vakalat wherein the accused had affixed his signature from Dubai. The advocate has actually sent the vakalat format to the accused via email, the accused had taken print out, affixed his signature there, scanned it and mailed it to the advocate again which

was accepted, signed and presented by the said advocate before this court. The said vakalatnama was actually not properly attested as per Rule 27(7) of the Criminal Rules of Practice, 2019 in the strict sense but in spite of the same this court had taken it on record based on the undertaking that the accused will appear before this court in a short point of time to face the trial and no objection of the complainant for the said vakalat.

6. But, the accused did not honor his commitment and even after lapse of 10 months thereafter, he did not turn up before this court and as such there is no progress in this case. Meanwhile, this court had issued a nonailable warrant against the accused which was recalled on petition filed by Advocate Mr.B.Rangaraju. At that time as well the accused did not appear and based on the judgement of the Hon'ble High Court of Madras dated **05.04.2016** in *Dr.Zubaida Begum vs. State Rep. By the Inspector of police, District Crime Branch, Kanchipuram (Crl.R.C.No. 357, 369 of 2016)*, the warrant was cancelled without insisting on the presence of the accused. In these circumstances the petitioner/accused has come up with this petition u/s 228 BNSS seeking dispensation of his personal appearance.

7. Section 228 of BNSS confers discretion on the Magistrate to dispense with the personal attendance of the accused and permit him to appear through his advocate. As mentioned earlier, the vakalat filed in this case itself is not a valid one and as such there is no question of dispensing with the appearance of the accused and permitting him to appear through Advocate Mr.B.Rangaraju. Moreover, another person had also instituted a cheque dishonour case against the very same

accused/petitioner for Rs.3,00,000/- which is pending before this court as **STC No. 997/2025**. In the said case as well a similar kind of petition has been filed by the accused and so far the accused had not turned up before this court. Thus, the accused has been paralyzing the court proceedings by filing frivolous petitions one after another. In view of the foregoing discussion, facts and the circumstances of the case this court does not find any merit in this petition and hence it is dismissed. The vakalat filed on behalf of the accused by Advocate Mr. B Rangaraju which was taken on record is hereby regarded as invalid for all upcoming practical purposes except for filing copy applications related to preferring of appeal/revision against this order. No costs.

Dictated to Typist, typed by him, corrected and pronounced by me in the open court on this 10<sup>th</sup> day of April 2026.

Judicial Magistrate,  
Sirkali.