

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

OP(Crl.).No. 293 of 2014 (Q)

**MC (DV) No. 54/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT- I,
KARUNAGAPPALLY**

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PETITIONER/RESPONDENT:

**BASHEERKUTTY, AGED 34 YEARS
S/O.MUHAMMED KUNJU, MUNDAKATHARAYIL VEEDU
PADANAYARKULANGARA NORTH, KARUNAGAPPALLY
KOLLAM DISRTRICT.**

BY ADV. SRI.A.SHAFAEEK (KAYAMKULAM)

RESPONDENT/COMPLAINANT:

**AJILA, D/O.TAJUDEEN, MUNDAKATHARAYIL VEEDU
PADANAYARKULANGARA NORTH
KARUNAGAPPALLY, NOW RESIDING AT BYTHILLOOR
PALAKKAL MURI, THAVALAKKARA VILLAGE, THAVALAKKARA P.O.
KOLLAM - 690 524.**

BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 07-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: TRUE COPY OF THE MC (DV) NO. 54/2010 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KARUNAGAPPALLY.

EXHIBIT P2: TRUE COPY OF THE ORDER DATED 29/10/2010 PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KARUNAGAPPALLY IN CMP NO. 8573/2010.

EXHIBIT P3: TRUE COPY OF THE ORDER DATED 17/01/2011 PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KARUNAGAPPALLY IN CMP NO. 11918/2010.

EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 04/06/2012 PASSED BY THIS HON'BLE COURT IN Cr.R.P.NO. 950/2012.

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

O.P.(Crl) No. 293 of 2014

Dated this the 7th day of January, 2015

JUDGMENT

The petitioner herein is the respondent in M.C.(DV) No.54/2010 of the Judicial First Class Magistrate Court, Karunagappally. He seeks a direction under Article 227 of the Constitution of India for speedy and expeditious disposal of the said case brought under the provisions of the Protection of Women from Domestic Violence Act. As required by the court, the learned Magistrate submitted a report regarding the present stage of the case. This report shows that the petitioner herein had also contributed to the delay. However, evidence was closed on 19.07.2014, and after some postings for hearing the matter now stands posted to 22.01.2014 for final hearing. From the report of the learned Magistrate, I do not find any justification for many postings for hearing, after 19.07.2014. That the petitioner herein (the respondent in the court below) failed to make payment of the amount of interim maintenance is not a ground not to dispose of the main proceedings, when the entire evidence

is over. In a case where evidence was closed on 19.07.2014, the trial court cannot find any justification for many postings thereafter, for hearing and disposal. In the above circumstances, a direction can be made for expeditious disposal of the proceedings.

In the result, this Crl.M.C. is allowed. The court below is hereby directed, that M.C.(DV)No.54/2010 shall be disposed of by 15.02.2015.

Sd/-

P. UBAID, JUDGE

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