

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.14781 of 2016

Anusiya ... Petitioner
Vs
Srinivasan ... Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to fix a time frame to expedite the disposal of distress petition in C.M.P.No.7005 of 2014 in M.C.No.25 of 2012 pending on the file of the Judicial Magistrate, No.II, Ponneri.

For Petitioner : Mr.J.Nagarajan

O R D E R

This petition has been filed to fix a time frame to expedite the disposal of distress petition in C.M.P.No.7005 of 2014 in M.C.No.25 of 2012 pending on the file of the Judicial Magistrate, No.II, Ponneri.

2. Heard the learned counsel for the petitioner.

3. For the sake of convenience, the parties will be referred to by their name.

4. Anusiya got married to Srinivasan on 24.02.1994 and their marriage ran into rough weather, resulting in which the parties got estranged. Anusiya filed M.C.No.25 of 2012 against Srinivasan u/s 125 Cr.P.C before the Judicial Magistrate No.II, Ponneri and by order dated 27.12.2013, Srinivasan has been directed to pay a sum of Rs.5,000/- per month as monthly maintenance to Anusiya. Since Srinivasan did not make the payment, Anusiya filed CMP.No.7005 of 2014 in M.C.No.25 of 2012 u/s.128 Cr.P.C., and since no orders were passed by the trial Court, she has filed the present petition for a direction to the trial Court to expeditiously complete the enquiry in CMP No.7005 of 2014.

5. This Court called for report from the learned Judicial Magistrate No.2, Ponneri and has received a report dated 27.07.2016, wherein it is stated as follows:-

"On 13.06.2016 the case was posted for further payment on 22.06.2016 and on 22.06.2016 the respondent was absent and case was posted for the appearance of respondent on 28.06.2016. As advocates were on boycott on 28.06.2016, one more opportunity was granted for respondent to appear on 06.07.2016. I humbly submit that on 06.07.2016 also the respondent failed to appear, hence the petition was posted for taking steps for attachment of salary of respondent on 11.07.2016. On 11.07.2016, petition for attachment of salary was filed and same was taken on file on 14.07.2016 and notice was ordered to Garnishee for the hearing on 05.08.2016".

6. Section 125 Cr.P.C. is a beneficial provision to provide timely succor for estranged women. Hence the trial Court should be very sensitive to the needs of such deserted women.

7. The learned Judicial Magistrate, No.2, Ponneri is directed to take effective steps in CMP.No.7005 of 2014 in M.C.No.25 of 2012 and pass orders expeditiously.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate No.2,
Ponneri.

1.a.-Do- Thro The Chief Judicial Magistrate,
Tiruvllur.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.J.Nagarajan, Advocate Sr.51438

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srg 23/09/2016