

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. No.22581 of 2016

S.Janaki

... Petitioner

Vs

State

rep by the Inspector of Police

Uthukuli Police Station

Tiruppur District.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Judicial Magistrate, Avanashi, Tiruppur District to dispose of the un-numbered petition in C.C.No...of 2016 dated 25.04.2016 filed by the petitioner u/s 156(3) of Cr.P.C.

For petitioner : Mr.S.Thangavel

For respondent : Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the Judicial Magistrate, Avanashi, Tiruppur District to dispose of the un-numbered petition in C.C.No...of 2016 dated 25.04.2016 filed by the petitioner u/s 156(3) of Cr.P.C.

2. This Court called for a report from the Judicial Magistrate, Avinashi to explain the delay in the disposal of CMP No.3533 of 2016.

3. The Judicial Magistrate, Avinashi, sent a report dated 01.11.2016 giving her explanation, which is as follows:

"The Petition was filed on 25.04.2016 and it was taken on file in CMP No.3533/2016 on 27.04.2016 and adjourned to 26.05.2016 to hear the petitioner. On 26.05.2016, At request of the Petitioner's counsel the case was adjourned to 16.07.2016. As 16.07.2016 was a holiday the case was reposted to 25.08.2016. On 25.08.2016, as I was on Earned Leave, the case was adjourned to 07.10.2016 for enquiry. ON 07.10.2016, the Petitioner's side was not ready for enquiry.

Hence, at request of Petitioner's counsel this petition was again adjourned to 21.10.2016. On 21.10.2016, though the petitioner was present, she was not ready for enquiry and filed a petition u/s 309 of Cr.P.C. to adjourn the case stating that some important documents in this case was in the custody of chennai Advocate and requested 15 days time for filing those documents in this case and the petition is allowed. Now the petition stands posted to 04.11.2016 for enquiry.

Further, I most humbly submit that the CMP No.3533/2016 is adjourned only on the request of the petitioner for giving her a fair opportunity to put forth her case. Therefore, the petition in CMP No.3533/2016 is pending for disposal and I assure that I will abide by any further directions of the Hon'ble High Court in this regard and I Oblige."

4. This Court is satisfied with the explanation given by the Judicial Magistrate, Avinashi.

Recording the same, this petition is closed with a direction to the petitioner to co-operate with the Judicial Magistrate, Avinashi for expeditious disposal of CMP No.3533 of 2016.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

gms

To

- 1.The Inspector of Police,Uthukuli Police Station
Tiruppur District.
- 2.The Judicial Magistrate, Avanashi, Tiruppur.
- 3.The Public Prosecutor, Madras High Court, Chennai.

1 cc to Mr.S. Thangavel, Advocate, Sr. 63859

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SS (CO)
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