



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2016

CORAM

THE HONOURABLE DR.JUSTICE S.VIMALA

Cr1.O.P(MD)No.9790 of 2016

P.Subapriya

.. Petitioner

.Vs.

1.R.Ramachandran

2.Kalaniam

3.Ramaraj

.. Respondents

PRAYER:Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the Judicial Magistrate Court No.1 Tirunelveli to expedite the trial in M.C.No.14 of 2015 and complete the trial within a stipulated time.

For Petitioner :Mr.P.T.Ramesh Raja

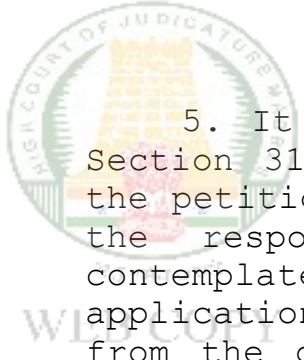
ORDER

This petition has been filed seeking a direction to the learned Judicial Magistrate, No.1 Tirunelveli to expedite the trial in M.C.No.14 of 2015 and complete the trial within a stipulated time.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1. Side).

3. The petitioner/wife has filed a complaint under the Domestic Violence Act seeking the relief under Sections 18, 19, 19(3), 19(5), 19(8), 20(1)(b), 20(1)(d), 20(3), 22 of the Act.

4. From the perusal of the Diary Extract, it is evident that after counselling, P.W.1 has been examined on 14.12.2015. Thereafter, she was not present for several hearings and therefore, she was not cross examined. Therefore, her evidence has been recorded on 27.04.2016. Thereafter, an application under Section 311 Cr.P.C. is stated to be pending.



5. It is not known whether the filing of the petition under Section 311 Cr.P.C., was on account of the default committed by the petitioner herself or on account of the failure on the part of the respondents in not cross examining her. However, as contemplated under Section 12(5) of the Domestic Violence Act, the application should be disposed of within a period of sixty days from the date of its first hearing and the provisions reads as under:

"12. application to Magistrate :

.....

(5) The Magistrate shall endeavour to dispose of every application made under sub-section (1) within a period of sixty days from the date of its first hearing."

6. Under such circumstances, the learned counsel for the petitioner seeks permission for early disposal of the case. There is an undertaking by the petitioner that the petitioner will co-operate for the early disposal of the case.

7. Therefore, the learned Judicial Magistrate, No.I, Tirunelveli, is directed to make endeavour to dispose of the case in M.C.No.14 of 2015 at the earliest, preferably within a period of two months from the date of receipt of a copy of this order.

8. The criminal original petition is disposed of with the above direction.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To:

The Judicial Magistrate, NO.I
Tirunelveli.

+1cc to MR.P.T.Ramesh Raja, Advocate SR.No.32006

sm:SKS-RR:13.7.2016:2P/3C

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