

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

Coram

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Crl. Revision Case No.1129 of 2017

M/s.Anneshaloni Rayapudi

... Petitioner

vs

Rajinikanth Sreemamilla

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure praying to set aside the order dated 13.07.2017 made in DVC.No.33 of 2016 on the file of the Judicial Magistrate, Alandur.

For Petitioner : M/s..Vijayalakshmi

For Respondent : No Appearance

ORDER

This revision has been filed to set aside the order passed by the learned Judicial Magistrate, Alandur made in D.V.C.No.33 of 2016 dated 13.07.2017.

2. It is seen from the records that the petitioner has filed the complaint in D.V.C.No.33 of 2016 before the learned Judicial Magistrate, Alandur. The said complaint was dismissed dated 13.07.2017 on the ground that the case was posted for recording the petitioner's side evidence, but the petitioner had not taken steps to proceed the case, even after the Court had given sufficient opportunities to the petitioner, but he had not taken evidence and hence the matter was directed to be posted on 13.07.2017. On 13.07.2017, the matter was taken up for hearing, but the petitioner had not turned to proceed the case. Hence, the petition was dismissed for non prosecution by the learned Judicial Magistrate, Alandur.

3. The learned counsel for the petitioner would submit that the petitioner requested time for production of the additional documents and the same was not considered by the trial Court. He would further submit that the petitioner was not residing at

Chennai along with her children and he is not able to travel within short date granted by the trial Court. Hence, the impugned order is liable to be set aside.

4. Though notice was ordered to the respondent and his name is printed in the cause list, but no one appeared for the respondent.

5. Considering the facts and circumstances of this case, this Court in order to given an opportunity to the petitioner, has passed the following orders:

i) the impugned order passed in DVC.No.33 of 2016 on the file of the Judicial Magistrate, Alandur, Chennai, is hereby set aside and the same is remanded to the trial Court.

ii) The learned Judicial Magistrate, Alandur, is directed to pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order, after giving notice to both the parties concerned.

iii) Both the parties are directed to co-operate for speedy disposal of the case before the trial court.

6. This criminal revision is allowed with the above observation.

Sd/-
Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

kkd

To

The Judicial Magistrate, Alandur.
Kancheepuram.

+1cc to M/s.Vijayalakshmi K.Rajaratnam,Advocate,S.R.No.14641

Cr1. R.C.No.1129 of 2017

sj(co)
cs/16/03/18