

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.16647 of 2018

V.Jayanandhini

... Petitioner

Vs

1.S.Shankar

2.Sivaprakasam

3.S.Selvakumari

4.Rajasekar

.... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the order dated 09.05.2018 in D.V.No.6 of 2016 passed by the Learned Judicial Magistrate, Ambattur and set aside the same and consequential to that restore the same on the file dispose the same.

For Petitioner : Mr.L.Margaret

O R D E R

This Criminal Original Petition has been filed seeking a direction to to call for the records relating to the order dated 09.05.2018 in D.V.No.6 of 2016 passed by the Learned Judicial Magistrate, Ambattur and set aside the same and consequential to that restore the same on the file dispose the same.

2. The petitioner initiated proceedings in D.V.No.6 of 2016 before the Judicial Magistrate, Ambattur under the provisions of the Domestic Violence Act against the respondent. The said petition has been dismissed by the trial Court on 09.05.2018. Challenging the said order, the petitioner is before this Court.

3. Heard, the learned counsel for the petitioner, who submitted that the petition has been dismissed on account of the absence of the petitioner which was neither willful nor wanton.

4. In the opinion of this Court, against the order passed by the Magistrate, an appeal will lie before the Sessions Court under Section 29 of the Domestic Violence Act, 2005. Hence, this petition is closed with liberty to the petitioner to approach the Sessions Court. However, the time spent by the petitioner in this Court from 16.06.2018 i.e. the date of filing of this petition to the date of receipt of a copy of this order, shall be exempted while computing the period of limitation under Section 29 of the Act.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gmd

To

1. The Learned Judicial Magistrate,
Ambattur.

2. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.L.Margaret, Advocate, S.R.No.41157

Cr1.O.P.No.16647 of 2018

MG (Co)
CS/02/07/18

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