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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 01.09.2021
CORAM
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI
Crl.RC(MD)No.328 of 2021
and
Crl.MP(MD)Nos.3243 and 3244 of 2021

Sujatha : Petitioner/Petitioner/Accused

Vs.

Arumugam
Head Clerk,
Principal District Munsif Court,
Tiruchirappalli. : Respondent/Respondent/Complainant

Prayer: Criminal Revision filed under section 397 r/w 401 of the Code of the Criminal Procedure, against the order passed by the Judicial Magistrate No.2, Tiruchirappalli, in Crl.M.P No.424 of 2021 in CC No.955 of 2020, dated 01.04.2021.

For Petitioner : Mr.G.Kannan
for M/s.Veera Associates
For Respondent : Mr.RMS.Sethuraman
Counsel for State Government
(Criminal side)

O R D E R

This Criminal Revision is filed against the order passed by the Judicial Magistrate No.2, Tiruchirappalli, in Crl.M.P No.424 of 2021 in CC No.955 of 2020, dated 01.04.2021.

2.It is seen from the records that the petitioner is the 1st plaintiff in O.S No.526 of 2017 on the file of the 2nd Additional District Munsif, Trichy and she filed the suit for declaring that she and her son are the legal heirs of her husband Late Subramanian Chettiar. The 3rd defendant in the suit filed I.A No.122 of 2018 alleging that the birth certificate claimed by the petitioner is a fake certificate and sought to take action according to law for submitting the false document. The said petition was allowed on 19.04.2018 and a complaint was preferred by the Head Clerk of District Munsif, Trichy, the respondent herein on 17.09.2020 before the Judicial Magistrate No.2, Trichy and the same was taken on file as CC No.955 of 2020. The petitioner filed an appeal before the District Court, Trichy and the same is still pending. In the meantime, the petitioner filed Crl.MP No.423 of 2021 in CC No.955 of 2020 on the file of the Judicial Magistrate No.2, Trichy, seeking to drop the trial proceedings in CC No.955 of 2020. The said petition was dismissed,

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by order, dated 04.03.2021. Subsequently, the petitioner filed another petition in Crl.M.P No.424 of 2021 under section 205 Cr.P.C to dispense with her appearance in CC No.955 of 2020 pending on the file of the Judicial Magistrate No.2, Trichy. The said petition was dismissed on 01.04.2021. Against which, the petitioner is before this court.

3.Heard both sides and perused the materials available on record.

4.It is seen from the records that pending revision, one S.Jayalakshmi has filed Crl,MP(MD)No.3509 of 2021 to implead herself as 2nd respondent in the main revision. This court, by order, dated 19.07.2021, dismissed the petition. Against which, the petitioner therein preferred appeal before the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.5565 of 2021. The Hon'ble Supreme Court, by order, dated 13.08.2021, dismissed the SLA, directing the trial court to conclude the trial within the time given by the High Court and in any case, not later than and of December, 2021.

5.In view of the specific direction given by the Hon'ble Supreme Court to the trial court to conclude the trial on or before December 2021, this criminal revision is disposed of with a direction to the trial court namely the Judicial Magistrate No.2, Trichy, to dispose of the case in C.C No.955 of 2020 before the month of December 2021 and report the same to the Registry. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To,

1.The Judicial Magistrate No.II,
Trichy.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-27866[F] dated 02/09/2021)

Crl.RC(MD)No.328 of 2021
01.08.2021

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