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Crl.R.C.No.1065 of 2018

Crl.R.C.No.1065 of 2018
and Crl.M.P.No.12442 of 2018

SATHI KUMAR SUKUMARA KURUP, J.,

The learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode, who is holding Full Additional Charge of I Additional District Judge, Erode, had sought an extension of time to dispose of C.A.No.271 of 2017.

2.As per the letter in D.No.3728 of 2023 dated 26.04.2023, the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode, who is holding Full Additional Charge of I Additional District Judge, Erode, has stated that copy of the order dated 31.10.2022 in Crl.R.C.No.1065 of 2018 was received by the learned I Additional District Judge, Erode, on 03.03.2023. Subsequently, on 16.03.2023, Counsels for both parties appeared before the learned I Additional District Judge, Erode, who sought time to settle the dispute amicably. Therefore, time was granted on that ground alone. However, the learned I Additional District Judge, Erode, was unable to dispose of the case within the stipulated time.



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Therefore, she seeks another three months to dispose of the case.

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3.After Crl.R.C.No.1065 of 2018 was ordered with a direction to the learned I Additional District Judge, Erode, to dispose of C.A.No.271 of 2017, the learned Judge ought to have disposed of it.

4.When both sides Counsel had sought time, the learned Judge ought to have granted sufficient time so that within the stipulated time she would be able to dispose of the case. Instead, both sides Counsel had taken for granted that they could seek adjournment on the ground of “amicable settlement” without specific direction to the learned I Additional District Judge, Erode, to dispose of the case, and only one or two days would be sufficient for reporting settlement within the time granted by the Court. If they are unable to settle the matter within the time limit, the learned Judge has the power to hear the argument and dispose of the case. If both sides do not cooperate, then the Appeal itself can be dismissed and a report of compliance can be filed.



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5. Therefore, this Court is inclined to grant further extension of three months, and the learned Judge is directed to dispose of the Appeal on merits after hearing both sides without granting further time under the pretext of “settlement”. Already, they had enough chances to settle the dispute during the pendency of Crl.R.C.No.1065 of 2018. Only after the High Court had issued directions, they are seeking adjournment under the pretext of “settlement”. **Therefore, this Court directs the learned I Additional District Judge, Erode, to dispose of it within the extended period of three months without further extension and report compliance within the extended period of three months. Failure to do so will attract disciplinary action against the Judge for violation of judicial discipline.**

06.07.2023

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