



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Sixteenth day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION No.1882 of 2022

IN CRL OP.3875/2022

1 DEENADHAYALAN @ GANESH
2 SARASWATHI
3 SESHADRI

[PETITIONER]

Vs

S.KAVITHA

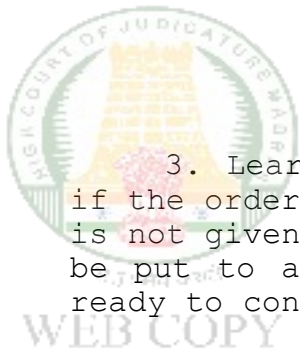
[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to Stay of all further proceedings in DVC.No.12/2019 on the file of the Learned Additional Mahila Court dated 02.10.2020 pending disposal of above Crl.OP.3875/2022.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S M.RAJASEKAR, Advocate for the petitioner and of MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Learned counsel appearing for the petitioner would submit that the petitioner had filed an application in Crl.M.P.No.7657 of 2021, seeking to condone the delay of 38 days filed the appeal against the order dated 02.01.2020 passed by the Judicial Magistrate, Villupuram in 2018.

2. He would further submit that the Appellate Court, while allowing the appeal on 03.01.2022, passed an conditional order directing the petitioner to pay a sum of Rs.1000/- to the respondent on or before 07.01.2022, failing which the petition stands dismissed automatically. However, pursuant to R.O.C.No.2399 of 2003 dated 02.01.2022, physical hearing was suspended and the parties were directed to appear only through Virtual mode and thereby, the petitioner was unable to get the order. However, coming to know of the order, the petitioner had attempted to pay a cost of Rs.1000/- on the respondent on 10.01.2022, whereas, she has refused to receive the amount and thereby, on 11.01.2022 a memo has been filed to that effect. The learned Judge refused to receive the memo and had proceeded with the appeal without granting further time.



3. Learned counsel for the petitioner would further submit that if the order of the learned Judge is not set aside and the petitioner is not given an opportunity to contest the appeal, the petitioner will be put to a great hardship. He would submit that the petitioner is ready to conduct the appeal without any further delay.

4. Petitioner is permitted to take private notice on the respondent as well as the counsel appearing for the respondent before the lower Court.

5. Post the matter on 23.02.2022. Interim stay shall be granted for all further proceedings in D.V.C.No.12 of 2019 on the file of the learned Additional Mahila Court dated 02.10.2020, till then.

-sd/-

16/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PRINCIPAL SESSIONS JUDGE, VILLUPURAM

C.C. to M/S M.RAJASEKAR Advocate on payment of necessary charges
Sr.2372

Order

in

CRL MP.1882/2022

in

CRL OP.3875/2022

Date :16/02/2022

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RVR 16/02/2022