



Crl.O.P.No.20345 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.20345 of 2022

and

Crl.M.P.No.13345 of 2022

Suresh pandian

... Petitioner

Vs.

Anitha Devi

... Respondent

PRAYER: Criminal Original Petition filed under 482 of Cr.P.C., pleased to direct the learned Additional Mahila Court (Magistrate Level) at Alandur, to accept the returned petitions in S.R.No.1791 & 1792 of 2022 in D.V.C.No.12 of 2017, Dated 05.08.2022, filed for the case to be re-open and recall the witness for re-cross.

For Petitioner : Mr.S.S.Kumar

For Respondent : Mr.T.Karunakaran



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ORDER

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This Criminal Original Petition has been filed seeking for a direction to the learned Additional Mahila Court (Magistrate Level) at Alandur, to accept the returned petitions in S.R.No.1791 & 1792/2022 in D.V.C.No.12 of 2017 dated 05.08.2022, filed for the case to be re-open and recall the witness for re-cross.

2. The learned counsel for the petitioner would submit that on 05.08.2022, the petitioner had filed S.R.No.1791 & 1792/2022 in D.V.C.No.12 of 2017 before the learned Additional Mahila Court (Magistrate Level) at Alandur and the same has been returned with an endorsement, on 11.08.2022, which runs as follows:

“The objection can be filed as to assets and liabilities statement filed and for which the re-open and recall petition is not maintainable. Hence, this petition is returned.”

He would further submit that the petitioner undertakes to file an objection petition as well as assets and liability statement of his capacity about income



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before the Trial Court. Hence, the present petition has been filed to direct the learned Additional Mahila Court (Magistrate Level) at Alandur to accept the returned petitions.

3. Recording the same, the learned Additional Mahila Court (Magistrate Level) at Alandur is directed to number the petitions in S.R.No.1791 & 1792/2022 in D.V.C.No.12 of 2017, if it is otherwise in order, after receiving the objection petition as well as assets and liability statement from the petitioner and decide the same on its own merits and in accordance with law, within a period of one month from the date of receipt of a copy of this order.

4. With the above direction, this Criminal Original Petitions stands disposed of. Consequently, connected Criminal Miscellaneous Petition is closed.

29.09.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order

shk

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V.SIVAGNANAM, J.
shk

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