



Crl.O.P.No.7183 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7183 of 2023

Bharathi @ Kothai

...

Petitioner

VS

Balachander

...

Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the learned District Munsif cum Judicial Magistrate, Sriperumbudur to expeditiously dispose of MC.No.02 of 2018 pending on the file of the Learned District cum judicial Magistrate, Sriperumbudur within a time frame manner.

For Petitioner

... Mr.M.I.Javid Akbar



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ORDER

This Criminal Original Petition has been filed to direct the learned District Munsif cum Judicial Magistrate, Sriperumbudur to expeditiously dispose of MC.No.02 of 2018 pending on the file of the Learned District cum judicial Magistrate, Sriperumbudur within a time frame manner.

2. It is the submission of the learned counsel for the petitioner that, petitioner filed M.C.No.2 of 2018 under Section 125 Cr.P.C, seeking maintenance for self and minor son. The case is pending for examination of witnesses. Petitioner was examined as PW1 and was partly cross examined by the respondent. Thereafter, he filed petition for recalling of PW1 and despite that petition was allowed, PW1 namely the petitioner was not cross examined in full. Thereafter, PW1 evidence was closed. Then the petition was posted for respondent's evidence. Since respondent has not come forward to give evidence, respondent's evidence was closed and matter was posted for arguments. At that stage, he again filed recall petition.

3. Considered the submissions and perused the records.



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4. Petition under Section 125 Cr.P.C has to be disposed at the earliest possible opportunity. However, the fact that, it is pending from 2018 shows that, respondent is deliberately protracting the proceedings. Therefore, this Court allows this petition and directs the learned District cum Judicial Magistrate, Sriperumbudur to dispose M.C.No.2 of 2018 within a period of two months from the date of receipt of a copy of this Order.

15.06.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gd

To

The District cum judicial Magistrate,
Sriperumbudur



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G.CHANDRASEKHARAN, J.

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