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CrI.O.P.No.25460 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.06.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.25460 of 2022

Ezhilmathi

... Petitioner

Versus

1.Lakshmikandan
2.Santhi
3.Kaliamurthy
4.Aboorvam
5.Soundararajan
6.Thavachelvan

... Respondents

PRAYER : Criminal Original petition filed under Section 482 Cr.P.C. praying to direct the District Munsif cum Court of Judicial Magistrate, Kattumannarkoil, Cuddalore District to conduct the speedy trial of the case in C.C.No.5 of 2014 pending on the file of the District Munsif Court cum Judicial Magistrate, Kattumannarkoil, Cuddalore.

For Petitioner : Mr.M.Madhankumar

ORDER

This petition has been filed by the petitioner seeking a direction to the District Munsif-cum-Judicial Magistrate, Kattumannarkoil, Cuddalore



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District to conduct the speedy trial of the case in C.C.No.5 of 2014 pending on the file of District Munsif-cum-Judicial Magistrate Court, Kattumannarkoil, Cuddalore.

2. The learned counsel for the petitioner submits that the petitioner filed a private complaint against the respondents for offence under Sections 494 r/w 34 of I.P.C. The petitioner claiming to be the wife of first respondent making allegation that the first respondent and the second respondent living together as husband and wife, when the marriage between the petitioner and first respondent was in subsistence. Though the complaint has been taken on file in the year 2014, there was no progress in the trial. Further, the petitioner filed the E-court adjudication dated 05.09.2022, which shows that the case is pending without any progress citing CMP pending. Learned counsel further submits that due to the pendency of the case without any progress, the petitioner/complainant has been put to untold sufferings. Further the accused



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in that case are adopting dilatory tactics. Hence, the petitioner is constrained to file this petition.

3. Considering the submission and on a perusal of the material it is seen that the petitioner filed a private complaint for offences under Sections 494 r/w 34 of I.P.C. even in the year 2014. It is almost 8 years, there is no progress in the trial. The E-court records filed before this Court shows that from the year 2014 the case has been adjourned for framing of charges and for further proceedings. Finally the case has been adjourned to 05.09.2022. As on 05.09.2022, the case was kept pending without any progress. Further, giving direction to the trial Court to proceed with the trial without delay would not cause any prejudice to the accused/respondents. Hence, notice to the respondents is dispensed with.

4. Accordingly, the trial Court/District Munsif cum Judicial Magistrate Court, Kattumannarkoil is directed to take earnest steps to dispose



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of the Miscellaneous Petitions and to proceed with the trial without further delay.

5. With the above directions, this Criminal Original Petition is disposed of.

27.06.2023

Index : Yes / No

Internet : Yes/No

Speaking / Non-speaking order

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To

The District Munsif cum Judicial Magistrate,
Kattumannarkoil, Cuddalore.

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