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Crl.O.P.No.7286 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7286 of 2023
& Crl.M.P.No.4614 of 2023

M.Mohamed Ismail Ashik.

... Petitioner

/versus/

Januba Begam.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to withdraw the D.V.C.No.16 of 2018 on the file of the Judicial Magistrate No.1, Mayiladuthurai and to transfer the same to the Judicial Magistrate, Oddanchathiram at Dindigul District or to any other Competent Judicial Magistrate Court in any other District.

For Petitioner : Mr.A.Augustina

For Respondent : Mr.R.Shiva Kumar,
for M/s.K.M.Vijayan Associates



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ORDER

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This Criminal Original Petition is filed to withdraw the D.V.C.No.16 of 2018 on the file of the Judicial Magistrate No.1, Mayiladuthurai and to transfer the same to the Judicial Magistrate, Oddanchathiram at Dindigul District or to any other Competent Judicial Magistrate Court in any other District.

2. The reason for seeking transfer appears to be an inordinate delay in disposing of the complaint and also personal allegation against the Judicial Officer.

3. The Learned Counsel appearing for the respondent/wife states that though the Judicial Magistrate has awarded interim maintenance of Rs.40,000/- per month, as of date, more than Rs.23 lakhs are due and payable as arrears towards the maintenance and without paying maintenance, the petitioner is delaying the disposal of the domestic violence complaint.

4. This Court, on perusing the record, finds that the reason stated for transferring the trial from one Court to another does not fall within the



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parameters laid for transferring a case from one Court to another.

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5. Hence, this Criminal Original Petition is dismissed. The Judicial Magistrate, Mayiladuthurai, is directed to expedite the trial and complete it within a reasonable time, preferably not later than four months. Consequently, connected Miscellaneous Petition is closed.

24.04.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

Copy to:

1. The Judicial Magistrate No.1, Mayiladuthurai.



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Dr.G.JAYACHANDRAN,J.

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24.04.2024