



Crl.O.P.No.22277 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22277 of 2024

Lakshmi Priya @ Priya Bai.

... Petitioner

/versus/

K.D.Balaji Shah.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, pleaded to direct the Lower Court to dispose of the case in M.C.No.3/2019 on the file of the Judicial Magistrate Court No.1, Kancheepuram at the earliest and to dispose of the above M.C within the stipulated time.

For Petitioner : Mr.D.Selva Kumar.

For Respondent : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to direct the trial Court for early disposal of the maintenance case pending on the file of Judicial Magistrate Court No.1, Kancheepuram.

2. The said Maintenance Case is of the year 2019. Being aggrieved



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that the case not been disposed, the present petition is filed for early disposal of the case.

3. The report from the concern Judicial Magistrate No.1, Kanchipuram (FAC) reads as below:-

“On perusal of M.C.No.3/2019 reads trial was commenced on 13.12.2021 and the P.W.1 was examined and Ex.P.1 to Ex.P.5 were marked. The Petitioner/Complainant filed petition under Section 311 of Cr.P.C to recall the P.W.1 for adducing further evidence on her part and this Court had assigned numbered in C.M.P.No.1663 of 2023 and posted for enquiry on 03.10.2024.”

4. Taking note of the fact that, on the instance of the petitioner herein, the matter is being adjourned for adducing further evidence.

5. This Court is of the view that the petition filed to recall the witness to adduce evidence is still pending for more than a year. Hence, it is appropriate to direct the concern Presiding Officer to dispose of the petition filed under Section 311 of Cr.P.C and to proceed without any further delay and dispose of the M.C.No.3/2019 within a period of four months, from the date of



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receipt of a copy of this order.

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6. With this observation, this Criminal Original Petition is disposed of.

19.10.2024

Index : Yes/No

Neutral Citation : Yes/No

bsm

To:-

1. The Judicial Magistrate Court No.1, Kancheepuram.



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Dr.G.JAYACHANDRAN. J.

bsm

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