



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. (MD) No.21210 of 2018

WEB COPY

Mahamuni

Represented through Natural Guardian (Mother)

Uma Devi

: Petitioner

Vs.

Annabi

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to issue a direction, directing the Judicial Magistrate Musiri, Trichy District to dispose of the Cr.M.P.No.917 of 2015 on M.C.No.20 of 2010 on the file of the Judicial Magistrate, Musiri, Trichy District within a stipulated time as fixed by this Court.

For Petitioner : Mr.V.Illanchezian

ORDER

This Criminal Original Petition has been filed seeking for a direction to the learned Judicial Magistrate Musiri, Trichy District to dispose of the case in Cr.M.P.No.917 of 2015 on M.C.No.20 of 2010, within a time frame.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a minor represented by his mother/natural guardian. The original M.C.No.20 of 2010 was filed before the learned Judicial Magistrate, Musiri by the petitioner and his mother on the ground that the respondent failed to maintain the petitioner and his mother. On 27.12.2013, the learned Magistrate allowed the petition, insofar as the petitioner is concerned and dismissed the petition, insofar as his mother is concerned and ordered a sum of Rs.1,300/- per month as maintenance. He would further submit that the petitioner filed a petition under Section 128 Cr.P.C. in Crl.M.P.No.917 of 2015 before the learned Judicial Magistrate, Musiri, Trichy District to execute the order. After receipt of summon, the respondent had not appeared before the Court and thereby the learned Magistrate issued bailable warrant on the same day and adjourned the case to 25.11.2015. However, from 25.11.2015 onwards, the respondent has not appeared and the case is still pending. Thereafter, no action has been taken by the Court to issue Non-Bailable Warrant for arrest of the respondent and thereby, case is kept pending. He would also submit that due to non-payment of maintenance from the year 2010, the petitioner faces great hardship and thereby he prayed for a direction to the learned Judicial Magistrate, Musiri to dispose of the case.



3. This is a case pending from 2010. Maintenance has been ordered for a minor in the year 2013 and the respondent is absconding without paying the maintenance amount.

4. Taking note of the above submission of the learned counsel for the petitioner and taking into consideration of the plight of the petitioner, this Court directs the learned Judicial Magistrate, Musiri, Trichy District, to take appropriate steps to secure the presence of the respondent before the Court and complete the trial as expeditiously as possible. Accordingly, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The Judicial Magistrate,
Musiri, Trichy District.

+1 cc To Mr.V.Illanchezian, ADVOCATE IN SR NO.98066

gns
MK/KK/SV/SAR 3/31.12.2018/2P/3C

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