

Fathimath Suhara vs Ashraf

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Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : OP(Crl.)/142/2023

Appellant : Fathimath Suhara

Respondent : Ashraf

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA, 1944 OP(CRL.) NO. 142 OF 2023 AGAINST THE ORDER/JUDGMENTMC 45/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,PARAPPANANGADI

PETITIONERS/PETITIONERS IN M.C: 1 FATHIMATH SUHARA AGED 28 YEARS D/O UMMER, NARIMADAKKAL HOUSE, VENNIYOOR AMSOM DESOM, VENNIYOOR.P.O. TIRURANGADI TALUK, MALAPPURAM, PIN - 676 508. 2 MUHAMMED AFLAH AGED 13 YEARS S/O ASHRAF, NARIMADAKKAL HOUSE, VENNIYOOR AMSOM DESOM, VENNIYOOR.P.O., TIRURANGADI TALUK, MALAPPURAM,(MINOR) REPRESENTED BY MOTHER FATHIMA

SUHARA, PIN - 676 508. 3 ARSHA AGED 9 YEARS D/O ASHRAF, NARIMADAKKAL HOUSE, VENNIYOOR AMSOM DESOM, VENNIYOOR.P.O. TIRURANGADI TALUK, MALAPPURAM, PIN - 676 508. BY ADV P.T.SHEEJISH RESPONDENTS/RESPONDENT IN M.C: 1 ASHRAF AGE 39 YRS, S/O KUNHALANKUTTY HAJI, KOLAMBIL HOUSE, 2 KUNHALANKUTTY HAJI AGE 74 YRS, S/O EANUDHEEN, KOLAMBIL HOUSE, BACK SIDE OF AYYAPPA MARMA CHIKITSALAYAM, EDARIKODE, EDARIKODE.P.O., TIRURANGADI TALUK, MALAPPURAM, PIN - 676 501.

O.P(Crl.) No.142 OF 2023 2 3 RUKIYA AGE 66 YRS, W/O KUNHALANKUTTY HAJI, KOLAMBIL HOUSE, 4 TWAYYIB AGED 31 YRS, S/O KUNHALANKUTTY HAJI, KOLAMBIL HOUSE, 5 FAUSIYA AGED 37 YRS, D/O KUNHALANKUTTY HAJI, KOLAMBIL HOUSE, THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 28.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: O.P(Crl.) No.142 OF 2023 3

K. BABU, J ----- O.P(Crl.) No. 142 of 2023
----- Dated this the 28th day of February, 2023

ORDER

The petitioner has filed this Original Petition seeking the following reliefs:- (i)To direct the Judicial First Class Magistrate Court-I, Parappanangadi, Malappuram District, to take up the Exhibit P1 case preferred by the petitioners, and dispose it in the expeditious manner by allowing the Original Petition (Criminal) filed under Article 227 of the Constitution of India, in the interest of justice and to secure the ends of justice. (ii)To dispense with the production of English translation of Malayalam Exhibits.

2. On 17.02.2023, this Court directed the Registry to obtain a report from the Court below on the time required for the disposal of the matter.

3. This Court obtained a report from the Court of the Judicial First Class

Magistrate-I, Parappanangadi, regarding the time frame required for disposal of the case, wherein it is reported that the matter could be disposed of within a period of three months from 25.03.2023. Therefore, the Court of Judicial First Class O.P(Crl.) No.142 OF 2023 4 Magistrate-I, Parappanangadi is directed to dispose of M.C.No.45 of 2021 within a period of three months from 25.03.2023. The Original Petition is allowed. Sd/- K. BABU JUDGE AMR O.P(Crl.) No.142 OF 2023 5 APPENDIX OF OP(CRL.) 142/2023 PETITIONERS EXHIBITS Exhibit P1 TRUE COPY OF THE M.C NO.45/2021 PETITION FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT PARAPPANANGADI DATED 22.04.2021. Exhibit P2 TRUE COPY OF THE COUNTER FILED BY THE RESPONDENTS 1 TO 5 IN ABOVE M.C DATED 22.01.2022 BEFORE JFMC-I. Exhibit P3 TRUE COPY OF THE C.M.P 1348 OF 2021 IN M.C BEFORE THE JFMC-I PARAPPANANGADI. Exhibit P4 THE TRUE COPY OF THE ORDER C.M.P 1348 OF 2021 IN M.C 45 OF 2021 PASSED BY JFMC-I PARAPPANANGADI. Exhibit P5 TRUE COPY OF THE C.M.P 3304 OF 2022 IN M.C DATED 24.02.2022 FILED BEFORE JFMC-I PARAPPANANGADI. Exhibit P6 TRUE COPY OF THE CASE PROCEEDING OF M.C

NO.45/2021 PETITION FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT PARAPPANANGADI ENTERED IN THE OFFICIAL WEBSITE OF E-COURT.

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