

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Crl.MC.No. 290 of 2015 ()

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CC 10/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT, CHANGANACHERRY
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PETITIONER/9TH ACCUSED:

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MANOJ, AGED 33 YEARS, S/O. SUSEELAN
VANIYAMPARAMBIL HOUSE
VATTACHALPADI BHAGATHU
MADAPPALLY VILLAGE**

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR**

RESPONDENTS:

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THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM-682031**

BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

P. UBAID, J.

Crl.M.C.No.290 of 2015

Dated this the 16th day of January, 2015

O R D E R

The petitioner herein is the 9th accused in C.C.No.10/2010 of the Judicial First Class Magistrate Court, Changanassery. Trial in the said case has already commenced. The petitioner now seeks orders directing disposal of the case within a period fixed by the court, and his grievance is that if trial is delayed, he will lose employment opportunity abroad. Of course, at this stage, when trial has already commenced, it would be inappropriate for this Court to intrude into the trial process and make directions. When the grievance of the petitioner is genuine, the trial court will have to make earnest efforts to ensure production of the material witnesses without delay, and if necessary, even coercive step will have to be issued. It is reported that one witness was examined long back on 30.04.2014, and now the court is waiting for the other witnesses. If there is any omission or failure on the part of the police in serving the process or causing production of the witnesses for speedy trial, it will have to be appropriately

dealt in by the trial court, because trial cannot be allowed to be an unending process. I feel that, with direction to the court below to make earnest efforts including coercive steps to cause production of the material witnesses, this proceeding can be closed because, direction for a time bound disposal appears to be inappropriate.

In the result, this petition is closed, however with a direction to the court below that earnest efforts shall be made, including coercive steps to cause production of the witnesses, to close the trial without delay, and dispose of the case at the earliest.

Sd/-

P. UBAID, JUDGE

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