

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Crl.MC.No. 1453 of 2015 ()

IN CC 904/2008 of J.M.F.C.-I,ATTINGAL

PETITIONER(S)/ACCUSED:-:

**MUSSAMMIL,
S/O.MOHAMMED MOIDEEN, ANNACKAVILA VEETIL, RATHIKKAL
VARKALA, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SMT.R.BINDU**

RESPONDENT(S)/COMPLAINANT AND STATE:-:

**1. AJITH KUMAR J.K.,
S/O.KARUNAKARAN, K.J.NIVAS, ELAMBRA
MUDAKKAL, THIRUVANANTHAPURAM - 695 103.**

**2. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

R2 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1453 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1. THE CERTIFIED COPY OF THE ORDER SHEET IN C.C.904 OF 2008 ON
THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE 1.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

**PA TO JUDGE
sab**

P.UBAID, J.

Crl. M.C No.1453 of 2015

Dated this the 27th day of March, 2015.

O R D E R

The petitioner herein is the accused in C.C No.904 of 2008 of the Judicial First Class Magistrate Court-I, Attingal. It is a prosecution brought under Section 138 of the Negotiable Instruments Act. He seeks a direction for expeditious disposal of the case. The report submitted by the learned Magistrate shows that the complainant's evidence was closed long back, and as a part of defence evidence, the accused was examined as DW1 on 4.10.2014. Thereafter the case was adjourned on two occasions for the cross examination of the accused as DW1. Though examination in chief was conducted on 4.10.2014, the case happened to be adjourned on two occasions for his cross examination. The report of the learned Magistrate shows that after the cross examination of the accused the case can be taken for disposal. In the above circumstances, I feel it inappropriate to give a

direction for a time bound disposal. The accused must in fact be aware of the whole proceeding in the trial court. He has brought this petition as if he does not know anything that transpired during the proceeding, including his own examination with permission under Section 315 Cr.P.C, and also adjournment of the case for his cross examination. Such a person seeks direction for speedy disposal.

In the result, this Crl.M.C is disposed of, with a direction to the court below to dispose of the case at the earliest.

Sd/-

P.UBAID,
JUDGE

sab