

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Crl.MC.No. 1762 of 2015 ()

CC 510/2010 of JUDICIAL FIRST CLASS MAGISTRATE COURT-III,KOZHIKODE

PETITIONER/REVISION PETITIONER :

**ABDUL JALEEL, AGED 34 YEARS,
S/O. MAMMED KOYA, AGED 34 YEARS,
THIRUVOTH HOUSE, IRINGALLOOR P.O.,
KOZHIKODE - 14.**

BY ADV. SRI.ABDUL JALEEL (PARTY IN PERSON)

RESPONDENTS/RESPONDENTS :

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

BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23-06-2015, ALONG WITH CRMC. 1763/2015, CRMC. 1764/2015,
CRMC. 1765/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.1762, 1763, 1764

&

1765 of 2015

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Dated this the 23rd day of June, 2015

O R D E R

This Court as per order dated 16/03/2015 had expressed the opinion that the basic request in these petitions in relation to directions to the court below for expeditious consideration and disposal of the petitioner's pending cases in the court below, would be considered in these matters. It is only for the limited purpose that, this Court despite various defects, had directed the Registry to number these Criminal Miscellaneous cases and to call for a report from the Judicial First Class Magistrate Court-III, Kozhikode, regarding the present stage of the Criminal Miscellaneous Petitions concerned and the main Calendar Cases concerned. Accordingly, the court of Judicial First Class Magistrate Court-III, Kozhikode, had given report dated 10/04/2015 to the

Registry of this Court giving details of Calendar Case C.C.No.510/2010 and CMPs in that C.Cs. and Calandar Case No.1430/2014. It is not necessary to go into the details of each of these matters pending before the court below. Later this Court as per order dated 28/05/2015 in these Crl.M.C.s had further directed the Registry to get a further report from the Judicial First Class Magistrate Court-III, Kozhikode as to the reasonable time that may be required for that court for the disposal of C.C.No. 1430/2014, C.C.No.1431/2014 and C.C.No.510/2010 and also the time required for disposal of Criminal Miscellaneous Petition Nos.4500/2013 and 4501/2013 and 2811/2014 arising out of the earlier mentioned C.C.No.510/2010. In pursuance of the said directions issued by this Court on 28/05/2015, the Judicial First Class Magistrate Court-III, Kozhikode has submitted a further report dated 16/06/2015 wherein it is stated that a minimum of six months' time may be required for disposal of C.C.No.510/2010 and at least eight months' time may be required for C.C.Nos.1430/2014 and 1431/2014. Further it has been stated in the report that C.M.P No.4500/2013, 4501/2013 and 2811/2014 in C.C.No.510/2010

would be disposed of within one month also. During the course of the submissions considered by this Court on 28/05/2015, this Court had specifically made it clear to the petitioner that these matters could be considered as to whether time bound directions could be issued to the court below for disposal of main matters and the interim matters said to be instituted in the court below and not for any detailed adjudication of any other issues. The petitioner who appeared as party in person before this Court on that day had fully agreed to this course of action and it is only in view of this stand of the petitioner that the consideration of the matters would be limited in the manner as aforestated, that this Court had decided to proceed further in the matter by issuing the order dated 28/05/2015 which led to calling for report from the court below.

2. Heard the party in person and the learned Public Prosecutor appearing for the respondent State of Kerala. Today also it was specifically pointed out to the party in person that the consideration would be strictly within the parameters as made clear to the petitioner on 28/05/2015 by this Court. The petitioner who appeared as party in person before this Court today also agreed to

this course of action. Accordingly in the interest of justice it is ordered taking into account the specific report made by the Judicial First Class Magistrate Court No-III, on 16/06/2015 that all reasonable endeavours should be taken by the court below concerned to ensure that the main Calendar Cases concerned as aforestated are taken up for consideration and are disposed of without much delay and all possible efforts should be taken to ensure that the Calendar Cases, C.C.No.510/2010, C.C.No.1430/2014 and C.C.No.1431/2014 are disposed of within the time limit as suggested by the court below in the aforementioned report. It is also further ordered in the interest of justice that the court below will also take all reasonable endeavours possible under this circumstances to ensure that the C.M.P.Nos.4500/2013, 4501/2013 and 2811/2014 in C.C.No.510/2010 are disposed of without much delay, at least within the time limit of one month as suggested by the court below in the above said report. These directions are issued subject to the condition that all parties concerned fully co-operate with the court below for early disposal of the matters as suggested by the court

below.

With these observations and directions all the four Criminal Miscellaneous Cases stand finally disposed of.

Sd/- ALEXANDER THOMAS, JUDGE

MJL