

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

Crl.MC.No.1962 of 2015 (A)

CC 870/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KADAKKAL
CRIME NO.1230/2013 OF CHADAYAMANAGALAM POLICE STATION, KOLLAM

PETITIONER/ACCUSED NO. 1:

NASSIMUDEEN, AGED 50 YEARS
S/O. MUHAMMED HANEEFA, MELATHIL HOUSE
VALIYAVAZHY DESOM, VELLARY WARD, NILAMEL VILLAGE
KOLLAM DISTRICT.

BY ADVS.SRI.ALEXANDER GEORGE
SRI.D.SREEKUMAR (KALAMASSERY)

RESPONDENTS/STATE AND COMPLAINANT:

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1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.
 2. SUB INSPECTOR OF POLICE,
CHADAYAMANGALAM POLICE STATION, KOLLAM DISTRICT.

R1 & R2 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE 1: COPY OF THE CHARGE SHEET IN CRIME NO.1230/2013 OF
CHADAYAMANGALAM POLICE STATION.

RESPONDENTS EXHIBITS: NIL

// TRUE COPY //

P. A TO JUDGE.

ALEXANDER THOMAS, J.

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Dated this the 21st day of May, 2015.

ORDER

The above mentioned Crl.M.C has been filed seeking the inherent powers conferred on this Court under Sec. 482 of the Cr.P.C with the following prayer:

“..... to call for the records leading to this case and direction may be given to the Hon'ble Judicial First Class magistrate Court Kadakkal for splitting the case against the petitioner and Accused No.2 to 4 and for speedy trial and disposal in Crime No.1230/2013 of Chadayamangalam Police Station now pending as C.C.No.870/2014 on the file of the Hon'ble Judicial First Class Magistrate Court Kadakkal in the interest of justice”.

2. This Court as per order dated 25.3.2015 called for a report from the court below concerned regarding the pendency of cases there and the present stage of C.C.No.870/2014 and the time reasonably required for disposal of the case.

3. The court below concerned, viz, Judicial First Class Magistrate Court, Kadakkal, has furnished the report as per letter dated 1.4.2015 stating that on issuance of process in

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C.C.No.870/2014, accused Nos.1 to 3 had appeared before the court and despite coercive steps accused Nos. 4 to 9 failed to appear before the court below which resulted in splitting up of the case against them on 27.3.2015. The petitioner is the 1st accused. The petitioner (A1) appeared before the court below on 27.3.2015 and his plea of not guilty was recorded by the court below and the case now stands posted for evidence on 6.5.2015. Summons was issued to CWs 1 to 3 and altogether there are eleven charge witnesses in the case and the total number of pendency of cases in the court below as on 1.4.2015 is 5971, etc, and that at least six months time is reasonably required for the disposal of the case involving the petitioner herein.

4. Heard Sri.Alexander George, learned counsel appearing for the petitioner and learned Public Prosecutor appearing for the respondents.

5. In the facts and circumstances of the case, in the interest of justice and on a consideration of the pendency of the cases before the court below, it is ordered that the court below

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concerned is requested to take all reasonable possible endeavours to ensure the disposal of the case without much further delay and that the court below is further requested to ensure disposal of the matter within the time frame as intimated in the aforementioned report.

With these observations and directions, the Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-