

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

Crl.MC.No.2408 of 2015 ()

IN CC 60/2011 of ENQUIRY COMMISSIONER & SPECIAL JUDGE, KOTTAYAM

PETITIONER(S) :

**R.RAJESH, AGED 43 YEARS
S/O.RAGHAVAN, OLEDATHU HOUSE, MANAKKAD
THODUPUZHA, IDUKKI DISTRICT**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S) :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031
(CRIME NO.VC.4/2009 /IDK OF VIGILANCE
POLICE STATION, IDUKKI)**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
22-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

ALEXANDER THOMAS, J

Crl.M.C.No.2408 of 2015

Dated this the 22nd day of May, 2015

ORDER

This Criminal M.C. has been instituted under Sections 482 & 483 of the Code of Criminal Procedure seeking the invocation of the inherent powers conferred on this Court with the following prayer :

"This Hon'ble court may be pleased to direct the Enquiry Commissioner and Special Judge, Kottayam, to dispose of C.C.No.60/2011 pending on the file of the Enquiry Commissioner and Special Judge, Kottayam, as expeditiously as possible, at least within a period of three months."

2. This Court as per order dated 10.4.2015 issued in this case passed an order to call for a report from the trial court concerned regarding the present stage of CC.No.60/2011, the total pendency of the case in that court, and also the reasonable time required to dispose of C.C.No.60/2011.

3. The office of the Court of Enquiry Commissioner and Special Judge, Kottayam, as per letter

dated 22.4.2015 has reported to the registry that after the dismissal of CMP Nos.1321/2012 and 360/2012 by the order dated 12.9.2014, the above case in C.C.No.60/2011 was posted for framing charge on 24.10.2014 and again the case was posted for framing charge on 24.1.2015 and on that day, the case was notified by the office to 26.5.2015, since the post of Special Judge was vacant and the case was posted to 25.5.2015. It is further stated that total witnesses examined in this case was 37 and charge is yet to be framed in this case and the present Judge concerned has taken charge as the Court of Enquiry Commissioner and Special Judge only on 30.3.2015 and so far the requisite notification regarding the appointment as Special Judge has not been issued formally by the State Government and the said incumbent is awaiting such notification from the Government. It is further stated that the total pendency of cases of that court as on 22nd April, 2015 is 541 and a minimum time is required to dispose C.C.No.60/2011.

4. Even today it is ascertained from the

Registrar (Subordinate Judiciary) of this court that no notification has been issued by the State Government for appointing the Enquiry Commissioner and Special Judge, Kottayam, even though GO(MS)06/2015/VIG dated 21.2.2015 appointing the present incumbent as Enquiry Commissioner and Special Judge of Kottayam.

5. In the facts and circumstances of the case, it is ordered that the Special Judge concerned is requested to ensure that all necessary endeavours are taken for speedy disposal of the calendar case C.C.No.60/2011, within the time frame as suggested by the court below concerned, as stated above.

6. As no formal notification has been issued appointing the Enquiry Commissioner and Special Judge, Kottayam even after the issuance of GO(MS) 06/2015/VIG as early as 21.2.2015, the Director General of Prosecution and the State Prosecutor is requested to instruct the governmental authorities concerned to ensure that further steps in the matter including the issuance of the formal notification consequent to the issuance of GO(MS) dated

21.2.2015 are effected without any further delay.

In these observations and directions, this
Crl.M.C. stands finally disposed of.

Sd/-
ALEXANDER THOMAS
JUDGE

VS

/TRUE COPY/

PA TO JUDGE