

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Crl.MC.No. 2499 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN SC 593/2014 of II ADDL.SUB
COURT,TRIVANDRUM.

PETITIONER(S)/ACCUSED 1 AND 3 TO 7:

1. RAJESH, AGED 35 YEARS,
S/O.RAJAN, J.C.BHAVAN, KALAMACHAL DESAM,
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.
2. PUSHPOLBHAVAN, AGED 63 YEARS,
S/O.NARAYANAN VAIDHYAN, MANALIL VEEDU,
KALAMACHAL DESAM, VAMANAPURAM VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
3. ASHISHVARNAN, AGED 24 YEARS,
S/O.SASIVARNAN, MATHURIMA VEEDU, KALAMACHAL DESAM,
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.
4. KANNAN, AGED 27 YEARS,
S/O.PUSHPOLSAVAN, MANALIL VEEDU, KALAMACHAL DESAM,
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.
5. BINU, AGED 21 YEARS,
S/O.VISWAMBARAN, VINITHA BHAVAN, KALAMACHAL DESAM,
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.
6. SONATT, AGED 23 YEARS,
S/O.UNNI, SONIA BHAVAN, KALAMACHAL DESAM,
VAMANAPURAM VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENT(S)/STATE:

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

BY PUBLIC PROSECUTOR SMT. HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
23-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

:2:

CrI.MC.No. 2499 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

ANNEXURE A1- TRUE COPY OF THE FINAL REPORT IN S.C.NO.593/2014 OF
II ADDL. ASST. SESSIONS COURT, THIRUVANANTHAPURAM.

RESPONDENT(S) ' EXHIBITS

:NIL

// True Copy//

P.A. to Judge

SS

K. RAMAKRISHNAN, J.

Crl. M.C.No.2499 of 2015

Dated this the 23rd day of September, 2015

ORDER

This criminal miscellaneous case is filed by the petitioners, who are accused Nos.1, 3 to 7 for early disposal of S.C.No.593/2014 pending before the 2nd Additional Assistant Sessions Court, Thiruvananthapuram, under Section 482 of the Code of Criminal Procedure.

2. It is alleged in the petition that the petitioners are arrayed as accused Nos. 1, 3 to 7 in Crime No.1025/2012 of Venjaramoodu police station of Thiruvananthapuram District along with other accused persons alleging offences under Section 143, 147, 148, 149, 332, 308 of Indian Penal Code and Section 39(1) of Kerala Police Act. The investigation was completed and final report was filed before the Judicial First Class Magistrate Court-I, Nedumangad, where it was numbered as C.P.No.158/2013. Thereafter the case was committed to the Sessions Court,

where it was taken on file as S.C.No.593/2014 and made over to 2nd Addl. Assistant Sessions Court, Thiruvananthapuram, for disposal. The name of petitioners 4 to 6 are included in the selection list of the Public Service Commission Rank list for the post of Lower Division Clerk and they are awaiting advice from the Public Service Commission and first petitioner is proposed to get an employment in Gulf and waiting for visa. They have not committed any offence. Pendency of this case may affect their prospects. So they want an early disposal of the case. Hence the petition.

3. Considering the nature of request, this court has called for a report from the Sessions Court and the learned Sessions Judge has sent a report after getting a report from the 2nd Additional Assistant Sessions Court, Thiruvananthapuram, in which it was mentioned that, 2nd accused had not appeared, only accused Nos.1, 3, to 7 appeared before the court on 19.03.2015 and it is posted to 24.07.2015 for hearing on charge. It is also mentioned that,

the report was sent by the vacation judge on the behalf of the 2nd Additional Assistant Sessions Judge, during vacation that officer was holding charge of that court also that the case can be disposed of within six months from the date of reopening of the court after midsummer vacation.

4. Heard the counsel for the petitioner and learned Public Prosecutor.

5. The counsel for the petitioner submitted that, since they are expecting employment, it is necessary for an early disposal of the case.

6. The application was opposed by the Public Prosecutor on the ground that it is a new case.

7. It is an admitted fact that the case now sought to be disposed of expeditiously is a case was of the year 2014. More old cases are pending before that court. Granting a direction to the lower court to dispose of new cases giving priority to the old cases will normally amounts to causing injustice to the person who is waiting in the queue for disposal of their cases. However in certain cases,

the interference of this court may be required to meet the ends of justice. However considering the report submitted by the vacation judge on behalf of the 2nd Additional Assistant Sessions Judge, this court feels that there is no necessity to issue any further direction in this regard, as the Additional Assistant Sessions Judge will dispose of the case as expeditiously as possible as mentioned in the report.

So the writ petition is disposed of, accepting the report of the vacation Judge, who was in charge of the 2nd Additional Assistant Sessions Judge, Thiruvananthapuram and send the report on behalf of that court and disposed of the case accordingly.

Office is directed to communicate this order to the concerned court, immediately.

Sd/-

K. Ramakrishnan, Judge

// True Copy//

P.A. to Judge