

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937**

**Crl.MC.No. 3972 of 2015 ()**  
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**CP.NO. 84/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, THALASSERY  
CRIME NO. 110/2009 OF CHOKLI POLICE STATION , KANNUR DISTRICT**  
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**PETITIONERS/ACCUSED:-**  
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- 1. FAROOK, S/O.KUNJISOOPY HAJI, AGED 28 YEARS,  
PALORATH HOUSE, PERINGATHURAMSOM,  
PULLOOKKARADESOM, KANNUR.**
- 2. ANEES MUHAMMED,S/O.MUHAMMED, AGED 25 YEARS,  
THADATHIL HOUSE, PULLOOKKARA,  
MUKKILPEEDIKA, KANNUR.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)  
SRI.K.ASHIS**

**RESPONDENT/COMPLAINANT:-**  
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**STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA .**

**BY PUBLIC PROSECUTOR SRI.GITHESH.R**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 12-08-2015, ALONG WITH CRL.MC.NO. 3981 OF 2015, THE COURT  
ON THE SAME DAY PASSED THE FOLLOWING:**

**sts**

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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
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- ANNEX A.**      **THE CERTIFIED COPY OF THE F.I.R BEARING NUMBER 110 OF 2009 OF CHOKLI POLICE STATION DATED 19.05.2009.**
- ANNEX B.**      **A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.110 OF 2009 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, THALASSERY DATED 5/10/2014.**
- ANNEX C.**      **A TRUE COPY OF THE STATEMENT GIVEN BY THE INJURED/DEFACTO COMPLAINANT UNDER SECTION 161 OF CR.P.C.**
- ANNEX D.**      **A TRUE COPY OF THE STATEMENTS GIVEN BY THE EYE WITNESSES UNDER SECTION 161 OF CR.P.C.**

**RESPONDENT(S)' ANNEXURES:**                      **NIL**  
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**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.3972 & 3981 Of 2015  
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Dated this the 12<sup>th</sup> day of August, 2015.

ORDER

The four petitioners in these two Criminal Miscellaneous Cases are presently the accused in the impugned criminal proceedings arising out of Crime No.110/2009 of Chockli Police Station. The two petitioners in Crl.M.C.No.3981/2015 were said to be juvenile at the time of the commission of the offence in question and therefore final report in respect of them appears to have been filed before the notified Juvenile Court, viz., the Principal Magistrate (Juvenile) Court, Thalassery, as evident from Anx-B in Crl.M.C.No.3981/2015 and their case is numbered as C.C.No.10/2015 (arising out of the impugned Crime No.110/2009 of Chockli Police Station).

2. In respect of two petitioners in Crl.M.C.No.3972/2015, the case is said to be pending at the committal stage as C.P.No. 84/2014 on the file of the Judicial First Class Magistrate's Court, Thalassery (arising out of the impugned Crime No.110/2009 of

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Chockli Police Station).

3. Accordingly, the Registry was directed to get a report from the Judicial First Class Magistrate's Court, Thalassery, as well as the Sessions Court as to the present stage and the reasonable time required for the disposal of the matters. Today when the matter has taken up for consideration, the learned counsel for the petitioners submits that the petitioners are not pressing for the main prayer for quashing of the impugned criminal proceedings, but they would seek alternately, time bound disposal of the matters pending before the respective court below and has also submitted that liberty may be granted to the petitioners for appropriate remedies in respect of the main prayer at the appropriate time, if so required.

4. In compliance with this Court's direction, the Judicial First Class Magistrate, Thalassery has submitted a report dated 31.7.2015 in Crl.M.C.No.3981/2015 stating that the matter in C.P.No.84/2015 has already committed to the Sessions Court and the case records are transmitted to that Sessions Court concerned

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on 13.2.2015. The Principal Magistrate Court, Thalassery, has also submitted a report dated 3.8.2015 in CrI.M.C.no.3972/2015, wherein it is inter alia stated that both the juveniles are on bail and JCL No.2 never appeared before the Board after taking cognizance and that time limit of six months may be required for final disposal of these cases, if both the JCLs co-operate with the trial and conclusion of the proceedings. The Principal Sessions Court, Thalassery, has submitted a report dated 1.8.2015 wherein it is inter alia noted that the Additional Assistant Sessions Judge, who is dealing with the case after commitment, has also reported that the case after committal has been numbered as S.C.No.202/2015 and it was made over to the Additional Assistant Sessions Court, Thalassery and it is reported that the case can be disposed of within a period of six months from the date of appearance of the accused in the court. In the light of the aforestated aspects made by the petitioners and taking note of the reports made by the courts below, it is ordered in the interest of justice that the respective courts below will take all reasonable endeavours for final disposal of the

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respective pending matters without further delay, provided that all the parties concerned and the witnesses fully co-operate with the early conduct and conclusion of the trial in both these matters. It is made clear that the Principal Magistrate Court, Thalassery as well as the Additional Assistant Sessions Court, Thalassery will take all necessary steps to ensure that the respective matters pending before them are finally disposed of within the time limit mentioned in the respective reports, subject to all the parties and witnesses fully co-operate with the trial and conclusion of the entire process in these matters.

With these observations and directions, these Crl.M.Cs stand finally disposed of.

ALEXANDER THOMAS,  
Judge.

bkn/-