

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Cri.MC.No. 3985 of 2015

S.C.NO.137/2014 OF ADDITIONAL SESSIONS COURT, ALAPPUZHA

CRIME NO.1630 OF 2013 OF ALAPPUZHA NORTH POLICE STATION

PETITIONER(S)/3RD ACCUSED :

**JYOTHIRAM SUBHARAW YADAV @ PRAMOD,
S/O. SUBHARAW YADAV, RENTED HOUSE OF SAIKRIPA,
CHATHANAD WARD, ALAPPUZHA, MUNICIPAL FROM KHANAPURAM
DONDIWARDI MOHI, P.O. SAMGLI DISTRICT,
MAHARASTHRA STATE.**

**BY ADVS.SRI.BIMAL K.NATH
SRI.SREEVALSAN.V
SMT.M.K.SHIMI
SMT.DIVYA C BALAN
SRI.D.SREENATH**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE A1: FIR IN CRIME NO.1630 OF 2013 OF ALAPPUZHA NORTH
POLICE STATION.**

**ANNEXURE A2: A TRUE COPY OF THE ORDER DATED 09.04.2014 OF
THE ADDITIONAL SESSIONS JUDGE-I ALAPPUZHA IN
CRL.M.P.NO.1359/2014 IN S.C.NO.137/2014.**

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ALEXANDER THOMAS, J.

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Crl.M.C.No.3985 of 2015

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Dated this the 20th day of August, 2015

O R D E R

The prayers in this Crl.M.C. are as follows:

- “(i) Direct the learned Addl.Sessions Judge-I Alappuzha to enlarge the petitioner /3rd accused on bail.
- (ii) To issue an order or direction, directing the learned Addl.Sessions Judge-I Alappuzha to conduct speedy trial of S.C.No.137/2014 and within a time frame fixed by this Hon'ble Court.”

2. As directed by this Court The Additional Sessions Judge-I, Alappuzha has submitted a report dated 13/07/2015 wherein it is inter alia stated that the case stands adjourned for framing of charge and that the main hurdle is that since all the accused are hailing from the State of Maharashtra, charge can be framed only with the assistance of a translator and that steps have been taken to obtain the service of a translator. It is also pointed out therein that out of 39 witnesses in the final report/charge sheet, almost 12 said witnesses are stated to hail from the State of Maharashtra going by their addresses and so that for examine them also the service of translator may be required. It is further pointed out that in view of

the pendency of the cases, a minimum time of six months would be required for the trial and disposal of the case. Later the Registry of this Court had also given a report to this Court stating that steps have been taken to get the service of an appropriate translator for the conduct of the trial in this case. Further the Registry has also submitted a report bringing to notice the present status of the case in S.C.No.137/2014 wherein on 04/08/2015 it is recorded by the court below that all accused were present and the case was posted to 18/08/2015 for framing charge, and that the person has been requested for translating the charge etc. In the light of these aspects it is ordered in the interest of justice, having regard to the totality of the facts and circumstances of this case, that the court below concerned will take all reasonable endeavours possible in the circumstances to take up for consideration S.C.No.137/2014 without much delay, after completing all other necessary formalities including the translation work and make a serious attempt to dispose of the same within the time limit as mentioned in the report of the Sessions Court concerned. It should be ensured that the requisite translation job is completed and also that the service of the appropriate translator has obtained for dealing with the

requirements of witnesses who hail from the State of Maharashtra etc. provided all the witnesses fully co-operate with the conduct and completion of the trial etc.

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

Sd/- ALEXANDER THOMAS, JUDGE

MJL

