

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Crl.MC.No. 5752 of 2015

**C.C.NOS.1253/2013, 1208/2013, 580/2013, 866/2013, 1172/2013. 1155/2013,
1379/2013, 1210/2013, 1269/2013 AND 492/2015 OF ADDITIONAL CHIEF JUDICIAL
MAGISTRATE COURT, THALASSERY**

C.C.NO.253/2008 OF CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

PETITIONER(S)/ACCUSED :

**K.K.HANEEFA ALIAS MUHAMMAD HANEEFA, AGED 48 YEARS,
S/O.IBRAHIM HAJI, KAIRALI VILLA, MOODALI NORTH,
VEERAMANGALAM, KOZHIKODE DISTRICT, PIN- 679 502.**

**BY ADVS.SRI.V.S.CHANDRASEKHARAN
SRI.M.V.DAS
SMT.LEKSHMI SWAMINATHAN
SMT.MARIAN G.M.THARAKAN
SRI.S.JAYAKUMAR**

RESPONDENT(S)/COMPLAINANT & STATE :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN, PIN- 682 018.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE 1:** TRUE COPY OF THE FIR IN CR.NO.581/2007 REGISTERED AGAINST KHALID ABOOBACKER BY THE SUB INSPECTOR OF POLICE, THALASSERY.
- ANNEXURE 2:** TRUE COPY OF THE CHARGE SHEET IN C.C.NO.253/2008.
- ANNEXURE 3:** COPY OF THE PETITION C.M.P.NO.1666/2008 DATED 13.08.2008 IN C.C.NO.253/2008.
- ANNEXURE 4:** TRUE COPY OF THE ORDER DATED 13.08.2008 IN C.M.P.NO.1666/2008 B IN C.C.NO.253/2008.
- ANNEXURE 5:** TRUE COPY OF THE ORDER IN C.M.P.NO.2626/2013 IN C.C.NO.253/2008 OF THE HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT, THALASSERY.
- ANNEXURE 6:** TRUE COPY OF THE ORDER IN CRL.REV. PETITION NO.2122/2013 OF THIS HON'BLE COURT.
- ANNEXURE 7:** TRUE COPY OF THE ORDER IN C.C.NO.1527/2012 BY ACJMC, THALASSERY.
- ANNEXURE 8:** TRUE COPY OF THE ORDER IN CC.1529/2012 BY THE ACJMC, THALASSERY.
- ANNEXURE 9:** TRUE COPY OF THE C.M.P.NO.6162/2015 FOR TRANSFER OF THE CASE BEFORE THE SESSIONS COURT, THALASSERY.
- ANNEXURE 10:** TRUE COPY OF THE C.M.P.NO.6163/2015 FOR INTERIM STAY BEFORE THE SESSIONS COURT, THALASSERY.
- ANNEXURE 11:** TRUE COPY OF THE ORDER DATED 07.08.2015 BY THE HON'BLE SESSIONS COURT, THALASSERY.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Crl.M.C. No. 5752 of 2015
.....

Dated this the 30th day of September, 2015

ORDER

Petitioner is the accused in C.C.Nos.1253/13, 1208/13, 580/13, 866/13, 1172/13, 1155/13, 1379/13, 1210/13, 1269/13 and 492/2015, presently pending before the Additional Chief Judicial Magistrate's Court, Thalassery and also in some other cases. It seems that altogether 17 cases have been registered against the petitioner and those cases are pending before various courts alleging offence punishable under Section 420 IPC.

2. According to the petitioner, he is the Managing Director of a jewellery at Thalassery and on 16.04.2007, six persons known to him, came to his jewellery and forcibly committed robbery by taking away 25 kgs. of gold

ornaments, two computers, cheque books etc. from the jewellery. A case was registered as Crime No.581/2004 against the said persons for the offences punishable under Sections 409 and 420 IPC only. The case was charge sheeted as C.C.No.253/2008. Subsequently, he has filed an application before the court below for further investigation in the matter and presently further investigation has been ordered.

3. The present request of the petitioner is that all the other cases pending against him should be stayed till the completion of the further investigation in C.C.No.253/2008. The purpose mentioned by the petitioner is that he will have to obtain the gold which was allegedly looted from his jewellery and has to disburse it among the defacto complainants in the other cases registered against him. The said request cannot be granted. Unnecessarily the cases are being prolonged. The trial of these cases have to be completed expeditiously.

4. It seems that the petitioner has made a series attempts to drag on the trial unnecessarily and as a part of it he has approached the Sessions Court, Thalassery with petitions in all the cases seeking a transfer of these cases to one court. Through Annexure A11 order the Sessions Court, Thalassery has rightly dismissed those Crl.M.Ps. Matters being so, the request forwarded by the petitioner cannot be granted and this Crl.M.C. is only to be dismissed, and I do so.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge