

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Cr1.MC.No. 6390 of 2015 ()

Cr1.Rev.Pet 206/2015 of HIGH COURT OF KERALA

CC 534/2010 of JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
ALAPPUZHA

PETITIONERS:

1. NINAN THAYYIL, AGED 42 YEARS,
RESIDING AT B 46, RAJENDAR NAGAR, MATHURA ROAD,
NEW DELHI - 110 068

2. JAMES J THAYYI, AGED 49 YEARS,
RESIDING AT B 186, RAJENDER NAGAR, MATHURA ROAD,
NEW DELHI - 110 068.

BY ADVS.SRI.VELLAYANI SUNDARARAJU
SMT.P.MEENAKUMARI

RESPONDENT:

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

DSV/21/10/15

Cr1.MC.No. 6390 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

A1 COPY OF ORDER IN CRL.REVISION PETITION NO.206 OF 2015
DATED 5.3.2015.

A2 COPY OF JUDGMENT OF SUPREME COURT OF INDIA IN RAJ DEO
SHARMA VS. THE STATE OF BIHAR ON 8TH OCTOBER, 1998.

RESPONDENT'S ANNEXURES :

NIL

// True Copy //

P.A. To Judge

DSV/21/10/15

B.KEMAL PASHA, J.

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Crl.M.C. No. 6390 of 2015

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Dated this the 15th day of October, 2015

ORDER

The petitioners have sought for an order for the speedy trial in C.C.No.534 of 2010 of the Judicial First Class Magistrate's Court-I, Alappuzha. A report has been called for from the learned Magistrate.

2. It seems that without giving any assurance for the disposal of the case within a specified period, a report has been submitted before this Court. According to the learned Magistrate, the witnesses are not available and repeatedly non-bailable warrants are being issued to the witnesses. Still the witnesses have not turned up. If the witnesses are not available even after

coercive steps, the court below has to dispense with the examination of those witnesses and examine the other witnesses in the case and complete the trial. This is a very old case, which is unnecessarily being prolonged by the evasive attitude of witnesses.

3. The court below shall dispose of the case as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this order.

This Crl.M.C. is disposed of as above.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/15/10/15

// True Copy //

P.A. To Judge