

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Crl.MC.No. 5911 of 2014

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IN CC 117/2010 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT  
I, KOCHI

PETITIONER/ACCUSED:

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SALJAN, AGED 25 YEARS,  
S/O.SATHYAN, KALLUMADATHIL HOUSE,  
EDAVANAKKAD P.O.  
ERNAKULAM DISTRICT.

BY ADV. SRI.T.N.SURESH

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON  
04-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 5911 of 2014  
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APPENDIX

PETITIONER'S ANNEXURES:  
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ANNEXURE A1. COPY OF THE CHARGE SHEET IN C.C.NO.117/2010 ON THE  
FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT I, KOCHI.

ANNEXURE A2. COPY OF THE PROCEEDING SHEET IN C.C.NO.117/2010 OF  
JUDICIAL FIRST CLASS MAGISTRATE COURT I, KOCHI.

RESPONDENT'S ANNEXURES:  
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NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.5911 of 2014**  
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Dated this the 4<sup>th</sup> day of February, 2015

**O R D E R**

The petitioner herein is the sole accused in C.C No.117/2010 of the Judicial First Class Magistrate Court I, Kochi. The offences involved are under Section 27 of the Arms Act and under Section 506(ii) of the Indian Penal Code. He has brought this petition under Section 482 of the Code of Criminal Procedure to quash the prosecution on the ground that the charge sheet submitted by the police does not contain any material to constitute the alleged offences or alternatively for a direction to the learned Magistrate to dispose of the case within a time frame fixed by the High Court. Now there is a report from the learned Magistrate regarding the present stage of the case. The report shows that the learned Magistrate has already examined two witnesses. When trial process is going on, it would be inappropriate and improper for this Court to interfere under Section 482 of the Code of Criminal Procedure, and quash the prosecution. Of course in a case where the parties have come to terms, such a course is possible. But here is a contested

matter wherein the trial is going on. The accused will have to face trial. If the charge sheet does not contain anything essential to constitute the alleged offences, he can confidently face trial. It would be inappropriate to quash the prosecution at this stage. As regards the alternative prayer, I find that a direction can be given to the trial court to expedite the trial and dispose of the case without delay, in view of the petitioner's concern that the delay in procedure will affect his employment opportunities.

In the result, this Criminal Miscellaneous Case is dismissed. However, the court below is directed to expedite the trial in C.C. No.117/2010 and dispose of the case within the shortest possible time.

**P.UBAID  
JUDGE**

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