

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

OP(Crl.).No. 5 of 2015 (Q)

IN SC 934/2006 of SPECIAL COURT FOR ABKARI ACT CASES, KOTTARAKKARA

PETITIONER(S):

**GIRISH KUMAR @ SABU
S/O.VAMADEVAN, CHAPRAYIL, MARANADU P.O
EZHUKONE, KOLLAM.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.**
 - 2. SUB INSPECTOR OF POLICE
EZHUKONE POLICE STATION, KOLLAM DISTRICT. 691 001.**
- R BY GOVERNMENT PLEADER SMT. S. HYMA**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 26-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(Crl.).No. 5 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE JUDGMENT IN WPC 27234/03.

EXHIBIT P2. COPY OF THE NEWS PAPER REPORT IN MALAYALA MANORAMA DAILY DATED 15.8.08 WITH RESPECT TO ISSUANCE OF WARRANT AGAINST THE POLICE OFFICERS BY THE HUMAN RAISED COMMISSION.

EXHIBIT P3. COPY OF THE CHARGE SHEET IN CRIME NO.216/03 OF EZHUKONE POLICE STATION.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

O.P(Crl.) No.5 of 2015

Dated this the 26th day of March, 2015.

J U D G M E N T

The petitioner herein is the third accused in S.C No. 934 of 2006 before the Special Additional Sessions Court (Abkari cases) Kottarakkara. He seeks a direction from this court under Article 227 of the Constitution of India for expeditious trial and disposal of the case on the ground that employment opportunities are being denied to him due to the pending prosecution. The learned trial judge submitted a report as required by the court. This report shows that the total pendency of the Sessions cases in the said court is 6233. Out of these 549 cases are of the year 2006, 478 cases are of the year 2005, 287 cases are of the year 2004, and 13 cases are of the year 2003. In such a situation it would be inappropriate for this court to direct the trial court to try and dispose of the petitioner's case within a time frame. However, if the petitioner has a genuine grievance, he will have to present it before the learned Magistrate, and make application for

speedy disposal out of turn. If his grievance is genuine that he has lost employment opportunities due to the pending prosecution, it will definitely be considered by the trial, because a prosecution by itself cannot stand in the way of the employment opportunities of a youngster. If such an application is made for trial out of turn, it will definitely be considered by the learned trial judge. Even otherwise efforts will be made by the learned trial judge to try and dispose of the case expeditiously.

With these observations, this original petition is disposed of. Communicate a copy of this order to the learned trial judge without delay.

Sd/-

P.UBAID,
JUDGE