

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.UBAID

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

OP(CrI.).No.31 of 2015 (Q)

CC NO.369/2007 OF THE JUDICIAL FIRST CLASS MAGISTRATE,MANNARKAD.

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PETITIONER:

**KUTTIKRISHNAN NAIR,SON OF LATE NARAYANAN NAIR,
AGED 74 YEARS,KULANGARA HOUSE,
ELUMBALASSERY,PALAKKAD.**

BY ADV.SRI.JACOB SEBASTIAN

RESPONDENT:

**STATE OF KERALA,REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,
REPRESENTING THE SUB INSPECTOF OF POLICE,
MANNARKAD POLICE STATION.**

BY PUBLIC PROSECUTOR SMT.P.MAYA.

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 23-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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P.UBAID, J.
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**O.P (Crl) No.31 of 2015**  
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Dated this the 23rd February, 2015

J U D G M E N T

The petitioner herein is the one of the witnesses in C.C No.369 of 2007 of the Judicial First Class Magistrate Court, Mannarkad. He seeks a direction from this Court under Article 227 of the Constitution of India for speedy and expeditious trial and disposal of the case on the ground that he is a senior citizen aged 74 years, and that as a senior citizen, he must have priority in the matter of trial. A report was called for from the learned Magistrate regarding the present stage of the case. The learned Judicial First Class Magistrate, Mannarkkad has reported that charge was framed on 23.10.2008, but after the examination of one of the witnesses, an application for investigation was made by the prosecution, and such investigation was allowed by order dated 12.9.2012. It is reported that the case now stands posted to 22.6.2015 for report of further investigation. The learned Magistrate has also reported that total pendency there is 5145. It is a

Munsiff-Magistrate's Court where civil and criminal matters will have to be tried and decided. Anyway, when further investigation is going on, it would be inappropriate to make a direction for expeditious trial and disposal. If the trial is unnecessary delayed after the report of further investigation, the petitioner can approach this Court for appropriate relief. For the time being, this writ petition will have to be closed in view of the report, that further investigation is going on.

The original petition is closed as above.

**SD/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge