

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

OP(Crl.).No. 32 of 2015 (Q)

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CC 762/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PERUMBAVOOR
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PETITIONER:

**SOUMYA, AGED 37 YEARS
D/O.C.N.RAVI, CHAKKANELI HOUSE, CHOWARA VILLAGE
SREEMOOLANAGARAM, ERNAKULAM DISTRICT.**

BY ADV. SRI.B.JAYASURYA

RESPONDENT:

**THE SUB INSPECTOR OF POLICE
KALADY POLICE STATION, ERNAKULAM DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM- 682031.**

BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 25-02-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE FIR IN CRIME NO.1073/2011 OF KALADY POLICE
STATION, ERNAKULAM.**

**EXHIBIT-P2: TRUE COPY OF THE CHARGE SHEET IN C.C.NO.762/2012 OF JUDICIAL
FIRST CLASS MAGISTRATE COURT, PERUMBAVOOR.**

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

O.P.(Crl) No.32 of 2015

Dated this the 25th day of February, 2015

JUDGMENT

The petitioner herein is the defacto complainant in C.C.No.292/14 of the Judicial First Class Magistrate Court, Kalady. Crime in the case was registered in 2011, and the final report was initially submitted before the Judicial First Class Magistrate Court, Perumbavoor in 2012. Cognizance was originally taken there as C.C.No.762/2012, but the case was transferred to the Judicial First Class Magistrate Court, Kalady, when the said court was established recently there. The petitioner seeks orders for expeditious trial and disposal of the case, on the ground that delay will defeat the ends of justice. Now, there is a report by the learned Judicial First Class Magistrate, Kalady that none of the accused in the case has entered appearance in court. Summons issued to the 1st accused was returned with the report that he is now abroad. Accused Nos. 2 to 4 received summons, but they did not appear in court. On 10.02.2015, the learned Magistrate repeated summons to the

1st accused and ordered non-bailable warrant against the accused Nos.2 to 4. The case now stands posted to 17.03.2015. Thus, the accused are yet to appear in court, and the court will have to complete the necessary pre-trial steps. In such a situation, it would be inappropriate to direct the trial court to try and dispose of the case expeditiously. If such a direction is given by this Court, it will create unnecessary embarrassment and stress in the mind of the learned Magistrate, who cannot in fact proceed for trial without completing the pre-trial steps. The petitioner can approach this Court at a later stage, when it is appropriate to seek such a direction.

With the above observations, this Original Petition is closed.

Sd/-

P. UBAID, JUDGE

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