

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

OP(Crl.).No. 40 of 2015 (Q)

CC 768/2010 of J.M.F.C.,TALIPARAMBA DATED

PETITIONER(S)/1ST ACCUSED:

**BIJESH AGED 35 YEARS
S/O.SEBASTIAN, MUNDATHADATHIL HOUSE
HOUSE NO.31/19 NIDIYENGA, CHEMBANTHOTTI
KANNUR DISTRICT**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/STATE:

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

R BY GOVERNMENT PLEADER SMT.S.HYMA

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 12-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Imp

OP(Crl.).No. 40 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 - TRUE COPY OF THE FIR IN CRIME NO.123/2009 OF SREEKANDAPURAM
POLICE STATION**

**EXT.P2 - TRUE COPY OF THE PROCEEDINGS SHEET OF THE COURT BELOW IN CC
NO.768 OF 2010 SHOWING THE ABOVE DATES AND EVENTS**

RESPONDENT(S)' EXHIBITS- NIL

//TRUE COPY//

P.A. TO JUDGE

Imp

P.UBAID, J.

O.P.Crl. No.40 of 2015

Dated this the 12th day of February, 2015

JUDGMENT

The petitioner herein is the first accused in CC No.768/2010 of the Judicial First Class Magistrate Court, Taliparamba. He seeks a direction for speedy disposal of the case. He seeks such a direction on the ground that speedy disposal is part of the fundamental right guaranteed by the Article 21 of the Constitution of India. The learned Magistrate has reported that the total pendency there is 4645. Of course it is true that Article 21 of the Constitution of India guarantees a precious right. But we are conscious of the fact that there are thousands and lakhs in India waiting in the queue for justice. Claim on the benefit of Article 21 of the Constitution of India for speedy trial will have to be appreciated by the court in such a situation. The petitioner has not stated any other explainable or satisfactory ground for speedy disposal of his case when

thousands of cases are pending in the Trial Court. Any way the learned Magistrate has now reported that trial in the case has already commenced, some witnesses have already been examined, and warrant of arrest is pending against some of the witnesses who remain to be examined. The learned Magistrate is hopeful that the case would be disposed of within six months. In such a situation I do not find the necessity of a direction for time bound disposal.

Accordingly the report submitted by the learned Magistrate is recorded that the case could be disposed of within six months, and this original petition is closed.

Sd/-
P.UBAID, JUDGE

Imp

//TRUE COPY//

P.A. TO JUDGE

