

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

OP(Cr1.)No. 70 of 2015 (Q)

IN CC 539/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KATTAKADA

PETITIONER:

JOSHIN DAS C.S, AGED 24 YEARS,
S/O.CHRIST DAS (LATE) ,
THEKKEKUZHVILKA PUTHENVEEDU,
ANAVOOR P O, THIRUVANANTHAPURAM

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.BREJITHA UNNIKRISHNAN

RESPONDENT/COMPLAINANT:

THE STATE OF KERALA
REP BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM-682031

BY GOVERNMENT PLEADER SMT.S.HYMA

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(Cr1.).No. 70 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS

P1:- COPY OF THE ADVICE MEMO DTD 19/12/2014

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

O.P(Crl) No.70 of 2015

Dated this the 12th day of March, 2015

J U D G M E N T

The petitioner herein is the 4th accused in C.C No.539/2012 of the Judicial First Class Magistrate Court, Kattakada. He wants speedy disposal of the case on the ground that he has received a memo for appointment from the Kerala Public Service Commission. The report received from the trial court shows that the court has not so far recorded the plea of the accused, and that the case now stand posted to 9.6.2015 to record the plea. The offences involved in the case are under Sections 143, 147, 341 and 323 r/w 149 of the Indian Penal Code. The prosecution has cited six witnesses in the case. The trial court can commence trial only after the plea of the accused is recorded on appearance. At this stage it would be inappropriate to direct a time bound disposal. The petitioner can approach the trial court with necessary application after the plea of the accused is recorded. Of course I find that the petitioner's grievance is genuine. If so moved, the trial court can advance the hearing from 9.6.2015 and record the plea of the accused at

the earliest. When the number of witnesses cited by the prosecution is only six, all the witnesses can be examined on a day without any delay. The learned Magistrate will consider all these aspects in view of the genuine grievance of the petitioner, and make earnest efforts to try and dispose of the case within the shortest possible time.

With these observations and directions this Original Petition (Crl) is closed.

**P.UBAID
JUDGE**

ab