

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

OP(Crl.).No. 84 of 2015 (Q)

IN CMP 2399/2014 of J.M.F.C.-II,TRIVANDRUM

PETITIONER(S)/ACCUSED:

**S.JAYAKUMAR AGED 56 YEARS
OTTALI HOUSE, TC- 30/1560(1) CHAYAKKUDI LANE, PETTAH
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.BIJU BALAKRISHNAN
RAKHEE V.S
PRINCY XAVIER**

RESPONDENT(S)/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
VANCHIYOOR POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**
- 3. SUSAMMA GEORGE,
W/O.GEORGE P.DEVASSIA, VAZHOOR HOUSE, T.C. 27/2204
CHIRAKKULAM ROAD, VANCHIYOOR P.O.
THIRUVANANTHAPURAM - 695 035.**

R BY GOVERNMENT PLEADER SMT. S. HYMA

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 01-04-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(Crl.).No. 84 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: PHOTOSTAT COPY OF THE COMPLAINT FILED AS CMP NO.2200/2008 ON THE
FILE OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT,
THIRUVANANTHAPURAM**

P2: PHOTOSTAT COPY OF ORDER DATED 1/8/2011 IN TR.P(CRL) NO.15/2011.

P3: CERTIFIED COPY OF THE B DIARY PROCEEDINGS IN CMP 2399/2014.

P4: CERTIFIED COPY OF THE B DAIRY PROCEEDINGS IN CC. NO.3489/2014.

P5: CERTIFIED COPY THE B DAIRY PROCEEDINGS IN CC.NO.3488/2014

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

O.P (Crl.) No. 84 of 2015

Dated this the 1st day of April, 2015.

J U D G M E N T

The petitioner herein is the accused in two cases before the Judicial First Class Magistrate Court-II, Thiruvananthapuram, and he has also brought a complaint against two of the witnesses in those cases, before the same court. The said complaint is now pending as C.M.P No.2399 of 2014. Besides the two witnesses, the petitioner has implicated one Advocate and also a Sub Inspector in the said complaint. The complaint is now under the stage of enquiry under Section 202 Cr.P.C. The cases where the petitioner is accused are C.C No.3488 of 2014 and C.C No.3489 of 2014. The petitioner seeks orders for expeditious disposal of these cases. C.C No.3488 of 2014 was initially filed in 2007 as C.C No.542 of 2007. C.C No.3489 of 2014 was initially filed in 2008 as C.C. No.1032 of 2008. After transfer of the two cases to some other court, the two cases came back before the Judicial First Class Magistrate Court -II, Thiruvananthapuram.

2. As required by the Court, the learned Magistrate submitted a report regarding the present stage of the cases. This report shows that the total pendency in the said court is 8484. As regards C.C No.3488 of 2014 and C.C No.3489 of 2014, the report of the learned Magistrate is that the cases stand posted to 10.6.2015, for hearing on the application for discharge. Before proceeding to scheduled trial the learned Magistrate will have to take decision on the applications for discharge. As regards the other complaint, there is report that the question of sanction under Section 197 Cr.P.C may come up as regards the Sub Inspector arraigned as accused in the complaint.

3. In the above circumstances, reported by the learned Magistrate, it would be inappropriate to make a direction for time bound disposal. However, the learned Magistrate has reported that C.C No.3488 of 2014 can be disposed of within six months, C.C No.3489 of 2014 can be disposed of within 9 months, and as regards C.M.P No.2399 of 2014, the learned Magistrate is not in a position to report when orders could be passed on the C.M.P in the present circumstances. I find that the report of the learned Magistrate is acceptable. A direction for time bound disposal

cannot be made in the above circumstances where the total pendency in the court is 8484. The petitioner does not have any special claim for preference, or for trial out of turn, except that the cases are in fact old cases. That alone cannot be a ground for a direction for time bound disposal, when thousands of such cases are pending before the trial court. However, the report submitted by the learned Magistrate can be recorded as regards the time required for disposal, and this original petition can be closed accordingly.

In the result, the report submitted by the learned Magistrate dated 25.3.2015, as regards the time required for disposal is recorded, and this original petition is closed.

Sd/-

P.UBAID,
JUDGE

sab