

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

OP(Crl.).No. 98 of 2015 (Q)

IN CC 983/2012 of J.M.F.C.-I, NEDUMANGAD

PETITIONER(S)/2ND ACCUSED:

**AMAL RAJ AGED 40 YEARS
S/O.SIVADASAN, AMAL VILAS, MOOZH
PANAVOOR.P.O., NEDUMANGAD, THIRUVANANTHAPURAM-695 568.**

BY ADV. SRI.A.S.SHAMMY RAJ

RESPONDENT(S)/COMPLAINANT:

**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 09-04-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(Crl.).No. 98 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1- TRUE COPY OF THE FINAL REPORT IN CRIME NO.370/2012 OF VALIYAMALA
POLICE STATION.**

P2- TRUE COPY OF THE SUSPENSION ORDER DATED 17.9.2012.

P3- TRUE COPY OF THE DEPOSITION OF PW1.

P4- TRUE COPY OF THE DEPOSITION OF PW2.

P5- TRUE COPY OF THE DEPOSITION OF PW3.

P6- TRUE COPY OF THE DEPOSITION OF PW4.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

O.P(Crl.) No. 98 of 2015

Dated this the 9th day of April, 2015.

J U D G M E N T

The petitioner herein is the original second accused in Crime No.370 of 2012 of the Valiyamala Police Station registered under Section 20(b)(ii)(A) of the NDPS Act. The first accused pleaded guilty before the learned Magistrate, and received conviction. The case against the petitioner herein was split up and refiled as C.C No. 983 of 2012. The petitioner seeks a direction from this court to the court below to expedite trial and dispose of the matter within a time frame. This court called for a report from the learned Magistrate. The report submitted by the learned Magistrate on 30.3.2015 shows that trial is mid way. The learned Magistrate has already examined 4 witnesses out of the 10 witnesses cited by the prosecution, and six witnesses remain to be examined. The statement shows that the total pendency in the said court is 5093. The petitioner seeks orders for expeditious disposal on the ground

that he is under suspension as a Government Servant, and he will be reinstated in service only after the case is disposed of, and subject to the result of the prosecution. Of course, the grievance of the petitioner is quite genuine. Still a time bound disposal is felt inappropriate in this case, when the learned Magistrate has more than 5000 cases in his court. However, the learned Magistrate has reported that the earnest will be taken for expeditious disposal of the case.

In the result, this petition is disposed of, with a direction to the court below that earnest efforts shall be made to dispose of the case within six months.

P.UBAID,
JUDGE

sab