

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

OP (Crl.).No.102 of 2015 (Q)

**C.C NOS.839/2014,1164/2014 AND 1609/2014 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, ADOOR.**

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PETITIONER'S:

1. **E.M.JAMES,AGED 53 YEARS,S/O.E.M MATHAI,
ELAMTHURUTHIL VEEDU,THATTANMUKKU,
AMBOORI,VAZHICAL VILLAGE,NEYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.**
2. **E.M.THOMAS,AGED 52 YEARS,S/O.E.J MANI,
EAROORICKAL VEEDU,AMBOORI,
NEYATTINKARA TALUK,THIRUVANANTHPAURAM DISTRICT.**
3. **JOY MATHEW,AGED 54 YEARS,S/O.MATHEW,
MULLANKUZHI VEEDU,KATTAKKADA,
NEYATTINKARA TALUK,THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.R.S.SARAT
SRI.SEBIN THOMAS
SMT.J.KASTHURI
SRI.VISHNU BHUVANENDRAN
SRI.P.K.JAYAKRISHNAN**

RESPONDENT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.S.HYMA.

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 27-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (Crl.).No.102 of 2015 (Q)

APPENDIX

PETITIONER'S EXHIBITS:

EXHBIIT P1:TRUE COPY OF THE FINAL REPORT/CHARGE SHEET IN C.C
NO.839/2014,ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT,ADOOR.

EXHBIIT P2:TRUE COPY OF THE FINAL REPORT/CHARGE SHEET IN C.C
NO.1164/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT,ADOOR.

EXHBIIT P3:TRUE COPY OF THE FINAL REPORT/CHARGE SHEET IN C.C
NO.1609/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT,ADOOR.

EXHBIIT P4:TRUE COPY OF THE ORDER ISSUED BY THE GOVERNMENT
DATED 28-10-2014.

EXHBITI P5:TRUE COPY OF THE PETITION DATED 06-01-2015 IN C.C NO.839/2014
FILED BY THE ASSISTANT PUBLIC PROSECUTOR OF THE LEARNED
MAGISTRATE COURT,ADOOR.

EXHBIIT P6:TRUE COPY OF THE PETITION DATED 06-01-2015 IN C.C
NO.1164/2014 FILED BY THE ASSISTANT PUBLIC PROSECUTOR OF
THE LEARNED MAGISTRATE COURT,ADOOR.

EXHBIIT P7:TRUE COPY OF THE PETITION DATED 06-01-2015 IN C.C
NO.1609/2014 FILED BY THE ASSISTANT PUBLIC PROSECUTOR OF
THE LEARNED MAGISTRATE COURT,ADOOR

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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O.P(Crl.)No. 102 of 2015

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Dated this the 27th day of May, 2015

J U D G M E N T

The above O.P(Crl.) has been filed seeking invocation of the visitorial powers of superintendence conferred on this Court as per Art.227 of the Constitution of India, with the following prayers:

- “i) issue a writ of mandamus or any other appropriate writ, direction or order, the Judicial First Class Magistrate Court, Adoor to dispose of Exhibits P5 to P7 within a time frame to be fixed by this Honourable Court.
- ii) and to issue such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of this case.”

2. This Court as per order dated 6.4.2015 had called for a report from the court below regarding the present stage of the applications filed by the Public Prosecutor for withdrawal from prosecution in Calendar Cases C.C.No.839/2014, C.C.No. 1164/2014 and C.C.No.1609/2014.

3. In pursuance of the above said direction, the Judicial First Class Magistrate's Court, Adoor, has submitted report dated 12.5.2015 to the Registry of this Court stating that in C.C.No.1609/2014, CWs 1 to 3 (victims) stated that they have no

objection in withdrawal of the case and hence after recording their statement, judgment was pronounced and the accused in that case were acquitted under Sec. 321 of the Cr.P.C. and that now only two other cases are pending before that court. The said two remaining cases are C.C.Nos.839/2014 and C.C.No.1164/2014. It is further reported by the Judicial First Class Magistrate, Adoor, on 21.5.2015 that further period of two months may be required to dispose of C.C.No.839/2014 and C.C.No.1164/2014 on the file of that court from 6.5.2015.

4. Having heard the learned counsel for the petitioners and the learned Public Prosecutor and taking into account the aforementioned reports dated 12.5.2015 and 21.5.2015 of the Magistrate's court, it is ordered in the interest of justice that the court below concerned will take all reasonable endeavours to ensure that the aforementioned matters are disposed of within the time limit suggested by the court below as stated above.

With these observations and directions, the O.P(Cr1.) stands finally disposed of.

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///True copy///

P.S. to Judge

Sd/-
ALEXANDER THOMAS, JUDGE

