

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 1937

OP(Crl.).No. 114 of 2015 (Q)

CC.NO. 238/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL

PETITIONER :

**SHIBI,
S/O.NARAYANAN, SHEEJA MANDIRAM, PERUMAN
NEAR PALLIMUKKU, PULIMATH VILLAGE
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.R.ANILKUMAR

RESPONDENT(S) :

- 1. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**
- 2. THE ASSISTANT SUB INSPECTOR OF POLICE
KILIMANOOR POLICE STATION
THIRUVANANTHAPURAM DISTRICT, PIN-**

R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 25-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE PHOTOCOPY OF THE FIR IN CRIME NO. 906 DATED 11.9.2011.

**EXT.P2 TRUE PHOTOCOPY OF THE ACCIDENT CUM WOUND CERTIFICATE
ISSUED BY DR. LAKSHMI DATED 10.9.2011.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

OP.(CrI.) No.114 of 2015

Dated this the 25th day of May, 2015

JUDGMENT

This original petition (Criminal) has been filed under the provisions of Article 227 of the Constitution of India seeking the invocation of this court's visitorial powers of superintendence, with the following prayers.

(a) to pass appropriate direction or order commanding the Judicial First Class Magistrate-II, Attingal to dispose of the CC No.238/2012 now pending before that Court as expeditiously as possible as the proceedings are over, giving priority.

(b) To issue such other direction or order commanding the JFMC-II, Attingal to dispose of the case CC No.238/2011 immediately holding that delay in disposing of the case amounts to denial of justice.

2. This Court as per order dated 08/04/2015 had called for a report from the Judicial First Class magistrate Court-II, Attingal about the present stage of C.C.No.238/2012, total pendency of case there, and the

time reasonably required for disposal of the above Calendar Case.

3. The aforementioned Magistrate's Court has submitted a report dated 08/05/2015 to the Registry of this Court stating that the above said C.C. is a case charge sheeted by the Kilimanoor Police against the accused alleging commission of offences punishable under Sections 143, 147, 148, 294(b), 323, 324, 341 and 506(ii) r/w 149 of the IPC. All the accused appeared through counsel and as per the application filed by accused No.4 he has been granted exemption from appearing before court for two years as per order dated 15/05/2014 and that the case stands posted to 26/06/2015 for hearing on the question of framing charge. Further it is reported that total cases pending before that court as on 02/05/2015 is 7838 and that a minimum period of 10 months from the date of framing charge may be reasonably required to dispose of C.C.No.238/2012 on the file of the said court.

4. Heard, Sri.R.Anilkumar learned counsel appearing for the petitioner and the learned Public Prosecutor

appearing for the official respondents.

5. Having considered the factual submissions made by the learned counsel for the petitioner and taking into consideration the report dated 08/05/2015 submitted by the Magistrate's Court concerned, it is ordered in the interest of justice that the said Magistrate's Court concerned will take all reasonable endeavours under the circumstances to ensure that C.C.No.238/2012 is disposed of without much delay and within the time limit as suggested in the above said report.

With this observations and directions the O.P(Crl.) stands disposed of.

Sd/- ALEXANDER THOMAS
JUDGE

MJL