

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

OP(Crl.).No. 175 of 2015 (Q)

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CC 147/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -V,
THIRUVANANTHAPURAM.**

PETITIONER/2ND ACCUSED:

**M.P.MOHAN KUMAR, AGED 53 YEARS,
S/O.KRISHNA PILLAI, RESIDING AT
GALAXY APARTMENT, 48/422(C),
RAGHAVAN PILLAI ROAD, EDAPPALLY,
ERNAKULAM.**

**BY ADVS.SMT.MAJIDA.S
SRI.AJIKHAN.M**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSEUCTOR,
HIGH COURT OF KERALA, ERNAKULAM. 682 031.**
- 2. CHANDRA MANI, AGED 74 YEARS, D/O.NALINI,
RESIDING AT TC. 16/1709, LAKSHMI VEEDU, ULLOOR,
JAGATHY, THYCAUD P.O, THIRUVANANTHAPURAM-695 012.**
- 3. ANIL KUMAR, AGED 35 YEARS,
S/O.JANARDHANAN PILLAI, RESIDING AT ARIYANOOR VEEDU,
HOUSE NO.2/377, ANJILAPRA MURI, THATTARAMBALAM,
MAVELIKKARA, ALAPPUZHA - 691 101.**
- 4. N.J. POLI, S/O. JOSE, RESIDING AT
CHETTUPUZHAKKARA VEEDU, HOUSE NO.377 (A),
SWATHI NAGAR, BEHIND ELITE HOSPITAL,
KURUKANCHERI VILLAGE, THRISSUR -679001.**
- 5. SABU, S/O.VASUKUTTAN NAIR,
RESIDING AT MAYA VILAS, KIDANGANOOR VILLAGE,
KOZHAYERI TALUK, PATHANAMTHITTA DISTRICT-693 001.**

R1 BY PUBLIC PROSEUCTOR SRI.N.SURESH

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 03-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

EXT. P1 - TRUE COPY OF THE FINAL REPORT IN CRIME NO.230/2006 OF
MUSEUM POLICE STATION.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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ALEXANDER THOMAS, J.

O.P(Cr1).No.175 Of 2015

Dated this the 3rd day of July, 2015.

J U D G M E N T

The prayer in this Original Petition is as follows:

“To pass an order directing the Judicial First Class Magistrate Court-V, Thiruvananthapuram to dispose of C.C.No.147/2013 pending before that Court within a stipulated time as specified by this Hon'ble Court for the interest of justice and for the end of justice.”

2. This Court by order dated 8.6.2015 directed the Registry to call for a report from the Judicial First Class Magistrate Court-V, Thiruvananthapuram about the present stage and the reasonable time required for disposal of C.C.No.147/2013 and about the total pendency of cases there. As directed by this Court, the said Magistrate Court has submitted a report dated 23.6.2015 to the Registry of this Court wherein it is stated that the accused No.1, accused No.2 (petitioner herein) and accused No.3 appeared before that court and presence of accused No.4 could not be procured after repeated coercive steps and the case against A4 is split up and now the case posted for hearing on charges on 29.6.2015 and that minimum time of at least six months

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may be required for disposal of C.C.No.147/2013 and the total number of cases pending before that court is 2164.

3. Heard Smt.S.Majida, learned counsel for the petitioner and the learned Public Prosecutor appearing for the 1st respondent-State of Kerala.

4. Taking into account the totality of the facts and circumstances of the case and having due regard to the report dated 23.6.2015 made on behalf of the court below, it is ordered in the interest of justice that the court below will take all reasonable endeavours possible in the circumstances to ensure that C.C.No.147/2013 is disposed of at least within the time limit as suggested in the report of that court and that this will be subject to condition that all the parties concerned and the witnesses as well as the Advocates concerned and the Public Prosecutor concerned fully co-operate with the smooth conduct and completion of the trial.

With these observations and directions, this Original Petition stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-