

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

OP(Crl.).No. 211 of 2015 (Q)

CC. NO.48/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ALUVA.

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PETITIONER/COMPLAINANT:

**ROSHAN SAMUEL, AGED 40 YEARS,
S/O. DR.K.M. SAMUEL, RESIDING AT 11 ROW HOUSE,
CUSTOMS COLONY B, MILITARY ROAD, MAROL,
ANDHERI EAST, MUMBAI-400 059,
REPRESENTED BY HIS POWER OF ATTORNEY
HOLDER MR.DR.K.M. SAMUEL, AGED 72 YEARS,
S/O. NAKRAMPURATH CHACKO MATHAI, KAVIL HOUSE,
OTHARA MURI, THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT,
NOW RESIDING AT 11 ROW HOUSE, CUSTOMS COLENY B,
MILITARY ROAD, MAROL, ANTHERI EAST,
MUMBAI-400 059.**

**BY ADVS.SRI.MANJU ANTONEY,
SRI.K.V.SOMANATHAN.**

RESPONDENTS/ACCUSED :

- 1. M.A. TOMY, S/O. ANTONY,
MANAVALAN HOUSE, NAVARASMI NAGAR,
EDATHALA, ALUVA-683 561.**
- 2. JOHN THOMAS, CHAIRMAN,
EDEN GARDEN WELFARE ASSOCIATION, A-102,
RUBY APARTMENTS, IC COLONY, BORIVALI (WEST),
MUMBAI-400 092.**
- 3. M.M. MATHEW, SECRETARY,
EDEN GARDEN WELFARE ASSOCIATION, A-102,
RUBY APARTMENTS, IC COLONY, BORIVALI
(WEST MUMBAI-400 092, RESIDING AT B/17, SAGAR DARSHAN,
145B, GORAL ROAD, OPP: DON BOSCO HIGH SCHOOL,
BORIVALI (WEST), MUMBAI-400 092.**

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- 4. RAJU AUGUSTINE GEORGE ,
S/O. M.V. GEORGE, MUNDAKKAL HOUSE, 26,
KKP NAGAR, NEAR U.C. COLLEGE, ALUVA-683 101.**
- 5. M.V. GEORGE ,
MUNDAKKAL HOUSE, 26 KKP NAGAR, U.C. COLLEGE,
ALUVA, PIN-683 101.**
- 6. BRIJITH STEPHEN,
W/O. STEPHEN SEBASTIAN, OTTAPLACKAL HOUSE,
MONDOTTUMURI, AYALAMON VILLAGE, PATHANAPURAM,
KOLLAM DISTRICT-689 695.**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

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APPENDIX

PETITIONER'S EXHIBITS:-

P1 : COPY OF THE COMPLAINT DATED 31.05.2011 FILED BY THE COMPLAINANT WHICH IS NUMBERED AS CC NO.48/2014.

P2 : COPY OF POWER OF ATTORNEY (JOINT) DATED 20.04.2005 EXECUTED BY THE PETITIONER AND OTHERS IN FAVOUR OF K.M.DANIEL.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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O.P(Crl.)No. 211 of 2015

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Dated this the 4th day of August, 2015

J U D G M E N T

The prayer in this Original Petition is as follows:

“Direct the Judicial First Class Magistrate Court–I, Aluva to expedite the proceedings in C.C.No. 48/2014 and dispose of the same as early as possible at any date (sic) within the time frame fixed by this Hon'ble Court.”

2. In compliance with this Court's order, the Judicial First Class Magistrate's Court–I, Aluva has submitted a report dated 28.7.2015 to the Registry of this Court, in which it is inter alia stated that earnest efforts will be taken to dispose of the case in question as expeditiously as possible.

3. Taking into account the facts and circumstances of this case, it is ordered in the interest of justice that the Judicial First Class Magistrate's Court, Aluva will take all reasonable endeavours possible under the circumstances to ensure that C.C.No.48/2014 pending on the file of that court is taken up for consideration without any further delay keeping in mind the assurance given by the court below in the report that all earnest efforts will be taken to

dispose of the case in question, as expeditiously as possible.

With these observations and directions, the CrI.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge