

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

OP(Crl.).No. 216 of 2015 (Q)

CRL.A.NO. 157/2015 OF ADDITIONAL DISTRICT & SESSIONS COURT-II, NORTH PARUR

PETITIONER/APPELLANT :

**P.T. XAVIER
AGED 50, S/O.THOMAS,
PUTHENTHARA HOUSE
THALAYAZHAM P.O., VAIKOM,
KOTTAYAM DISTRICT
PIN-686 607.**

BY ADV. SRI.SHAJI THANKAPPAN

RESPONDENTS/RESPONDENTS :

**1. CELIN
AGED 45, D/O.KURIAN, CMI CONVENT
KAIPRA KARA, SREEMOOLANAGARAM VILLAGE,
ALUVA TALUK, ERNAKULAM-683 575.**

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

R2 BY PUBLIC PROSECUTOR SRI. R. GITHESH

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 20-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

OP(Crl.).No. 216 of 2015 (Q)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1 - TRUE PHOTOCOPY OF THE JUDGMENT DATED 26.3.2015 IN
M.C.NO.10/2014 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE
COURT, KALADY.
- EXT. P2 - A TRUE PHOTOCOPY OF THE APPEAL MEMORANDUM IN CRIMINAL
APPEAL NO.157/2015 OF ADDITIONAL DISTRICT & SESSIONS COURT-II,
NORTH PARUR.
- EXT. P3 - A TRUE PHOTOCOPY OF THE STAY PETITION FILED AS
CRL.M.P. NO.761/2015 IN CRIMINAL APPEAL NO.157/2015 OF
ADDITIONAL DISTRICT & SESSIONS COURT-II, NORTH PARUR.
- EXT. P4 - A TRUE PHOTOCOPY OF THE PETITION M.P.1119/2015 IN
M.C.NO.10/2014 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE
COURT, KALADY.
- EXT. P5 - A TRUE PHOTOCOPY OF THE RECEIPT SHOWING THE PAYMENT OF
RS.15,000/- ON 20.6.2015 TO THE COUNSEL FOR THE 1ST
RESPONDENT.
- EXT. P6 - A TRUE PHOTOCOPY OF THE RECEIPT SHOWING THE PAYMENT OF
RS.50,000/- ON 2.7.2015 TO THE COUNSEL FOR THE 1ST
RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

=====

O.P(Crl.)No. 216 of 2015

=====

Dated this the 5th day of August, 2015

O R D E R

The prayer in this O.P(Crl.) instituted under Art.227 of the Constitution of India seeking the invocation of the powers of visitorial superintendence conferred on this Court as per that provision, is as follows:

“Direct the Additional District & Sessions Court-II, North Parur to consider and dispose of the Exhibit P-3 stay petition within a time frame and stay the Exhibit P4 proceedings till that time.”

2. Heard Sri.Shaji Thankappan, learned counsel for the petitioner and the learned Public Prosecutor appearing for the 2nd respondent State of Kerala. In the nature of the order that is proposed to be passed in this Original Petition, notice to the 1st respondent is dispensed with.

3. On a consideration of the totality of the facts and circumstances of this case and in the interest of justice, it is ordered that in case Ext.P-3 stay petition in Crl.M.P.No.761/2015 filed in Crl.Appeal No.157/2015 on the file of the Additional Sessions

Court-II, North Parur, is still pending for decision before that Court, then the said court will take up the same for consideration without any further delay and pass necessary orders thereon after affording a reasonable opportunity of being heard to both sides, without much delay. Till a decision is taken by the court below as directed above, further coercive steps pursuant to Ext.P-4 application seeking to execute the impugned Ext.P-1 judgment will remain under suspension.

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

sdk+

Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge