

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

OP(Crl.).No. 368 of 2015 (Q)

CRL.APPEAL 121/2015 OF SESSION'S COURT, KOLLAM

PETITIONER(S)/APPELLANT:

**ANJALI ARAVIND, AGED 31 YEARS,
D/O.ARAVINDAKSHAN, RESIDING AT DEVALAYAM, KOONAYIL,
PARAVOOR P.O., KOLLAM - 691 301.**

BY ADV. SRI.V.A.AJIVAS

RESPONDENT(S)/RESPONDENTS:

- 1. SHINE THAMPAN, AGED 37 YEARS,
S/O.THAMPAN,
RESIDING AT SHINY COTTAGE, ULIYACOVIL P.O.,
KOLLAM EAST VILLAGE,
KOLLAM DISTRICT - 691 019.**
- 2. THAMPAN, AGED 62 YEARS,
S/O.NARAYANAN, RESIDING AT SHINY COTTAGE,
ULIYACOVIL P.O., KOLLAM EAST VILLAGE,
KOLLAM DISTRICT - 691 019.**
- 3. SUSHAMMA, AGED 56 YEARS,
W/O.THAMPAN, RESIDING AT SHINY COTTAGE,
ULIYACOVIL P.O., KOLLAM EAST VILLAGE,
KOLLAM DISTRICT - 691 019.**

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 17-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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OP(Crl.).No. 368 of 2015 (Q)

APPENDIX

PETITIONER(S)' EXHIBITS :-

**EXHIBIT P-1 : THE TRUE COPY OF THE PETITION FILED BY THE PETITIONER
BEFORE THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE
COURT -I, KOLLAM.**

**EXHIBIT P-2 : THE TRUE COPY OF THE PETITION FILED BY THE PETITIONER IS FOR
INTERIM RESIDENCE.**

**EXHIBIT P-3 : THE TRUE COPY OF THE OBJECTION FILED BY THE 1ST RESPONDENT
IN M.C.NO.195/2014.**

EXHIBIT P-4 : THE TRUE COPY OF THE ORDER IN M.C.NO.195/2014.

**EXHIBIT P-5 : THE TRUE COPY OF THE MEMORANDUM OF APPEAL FILED BY THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS :- **NIL**

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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O.P.(Crl)No.368 of 2015

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Dated this the 17th day of November, 2015

JUDGMENT

The petitioner herein is the petitioner in M.C.No.195 of 2014 of the Judicial First Class Magistrate Court-II, Kollam. She brought the said proceeding for various reliefs under Section 12 of the Protection of Woman from Domestic Violence Act (DV Act). The learned Magistrate dismissed the M.C.No.195 of 2014 by order dated 04.06.2015. The petitioner has brought an appeal against the said dismissal before the Court of Session, Kollam, and it is now pending as Crl.Appeal No.121 of 2015 before the learned Sixth Additional Sessions Judge, Kollam. The petitioner seeks a direction under Article 227 of the Constitution of India, to the court below for expeditious disposal of the appeal. This Court called for report from the learned appellate Judge regarding the present stage of the appeal, and the total pendency there. The learned appellate Judge has submitted

report dated 12.11.2015, that the total pendency there is 1014 cases, and that most of the cases are under the NDPS Act, and under Section 302 IPC. The report shows that the High Court has directed the learned appellate Judge on the administrative side to dispose of 530 cases as targetted cases. However, the learned appellate Judge has reported that the present appeal can be disposed of within six months on receipt of the lower court records. In the circumstances where there is huge pendency in the court below, including heavy cases under the NDPS Act, and under Section 302 IPC, it would be inappropriate to direct the court below to dispose of the appeal within a short period. The learned appellate Judge is confident that the appeal can be disposed of within six months.

In the result, the report submitted by the learned appellate Judge that the appeal can be disposed of within six months, is recoded, and this original petition is disposed of accordingly.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE