

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Tr.P(Crl.).No. 78 of 2015

SC 333/2011 OF 1ST ADDITIONAL SESSIONS COURT, PATHANAMTHITTA

PETITIONERS/PETITIONERS:

1. NATARAJAN, AGED 63 YEARS,
S/O KRISHNAN ACHARI, NIDHI NIVAS, THAZHAM P.O.,
MALAYALAPUZHA, PATHANAMTHITTA DISTRICT.
2. JYOTHI PRASAD, AGED 48 YEARS,
S/O.HARIHARA KURUP, KRISHNA KRIPA,
VETTOOR P.O., PATHANAMTHITTA - 689653.

**BY ADVS.SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SRI.AJAY BEN JOSE**

RESPONDENTS/RESPONDENTS:

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

BY PUBLIC PROSECUTOR SMT.SAREENA

**THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Tr.P(Crl.).No. 78 of 2015

APPENDIX

PETITIONERS' ANNEXURES

**ANNEXURE I: TRUE COPY OF THE PETITION DATED 4/8/15 FILED BEFORE THE 1ST
ADDITIONAL SESSIONS COURT.**

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

B.KEMAL PASHA, J.

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Tr.P.(Crl.) No. 78 of 2015

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Dated this the 1st day of October, 2015

ORDER

This is a transfer petition filed by the 86th accused and 146th accused in Sessions Case No.333/2011 of the 1st Additional Sessions Court, Pathanamthitta to any other Sessions Court in the Pathanamthitta Sessions Division.

2. According to the petitioners, the present 1st Additional Sessions Judge, Pathanamthitta was earlier functioning as the IVth Additional Sessions Judge, Pathanamthitta, before whom, the case was pending. 45 prosecution witnesses out of 107 witnesses cited in the final report were examined before the said Judge in the said case.

3. After that, the said Additional Sessions Judge was posted as the 1st Additional Sessions Judge, Pathanamthitta.

In that context, as per the existing norms of the High Court, the learned Sessions Judge was directed to make over the said case again to the very same Judge before whom the trial was going on. At that juncture, the present complaint has come from the petitioners herein, who are the 86th and 146th accused alone. According to the petitioners, the said Additional Sessions Judge is prejudiced against the petitioners and therefore, the said case has to be transferred to any other Sessions Court in the said Sessions Division.

4. The remarks of the learned 1st Additional Sessions Judge has been obtained in the matter. Detailed remarks have been offered. He has reported that till his posting as the 1st Additional Sessions Judge, either the petitioners or any other accused have not raised any complaint against him. Only when the High Court has ordered for the continuance of the said case before him, the present complaint has been raised.

5. On going through this transfer petition and the remarks offered by the learned 1st Additional Sessions Judge, this Court is of the view that there is absolutely nothing to interfere in the matter. It is a case wherein 45 witnesses have been examined before the concerned judicial officer. In such case, it is only just and expedient in the interest of justice to have the trial completed before the said judicial officer. The attempt of the petitioners is nothing; but to drag on the matter and to delay the disposal of the case, which cannot be appreciated. This Tr.P.(Crl.) is devoid of merits and is only to be dismissed and I do so.

In the result, Tr.P.(Crl.) stands dismissed. The learned 1st Additional Sessions Judge, Pathanamthitta is directed to expedite the trial of the case and dispose of the same expeditiously.

Sd/-
B.KEMAL PASHA, JUDGE

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