

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 9TH DAY OF MARCH 2023 / 18TH PHALGUNA, 1944

OP(CRL.) NO. 47 OF 2023

AGAINST THE ORDER/JUDGMENTCC 4352/2016 OF JUDICIAL MAGISTRATE OF
FIRST CLASS -II, KOLLAM

PETITIONER/14TH ACUSED:

SHIJU.S,
AGED 44 YEARS
S/O.A.M.SHAMSUDEEN, RAHMANIYA HOUSE, NEAR KAITHAKODU
JUNCTION, VELLIMOODU CHERRY, KARIKKAM VILLAGE,
KULATHUPUZZHA P.O, PATHANAPURAM TALUK, KOLLAM DISTRICT
-, PIN - 691310
BY ADVS.
K.SIJU
S.ABHILASH
ANJANA KANNATH

RESPONDENTS/STATE & SHO:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031
- 2 STATION HOUSE OFFICER
ERAVIPURAM POLICE STATION, KOLLAM DISTRICT -, PIN -
691011

OTHER PRESENT:

PP -SRI.NOUSHAD K.A

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON
09.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

O.P. (Crl) No.47 of 2023

Dated this the 9th day of March, 2023

JUDGMENT

Petitioner is the 4th accused in C.C.No.4352/2016 on the files of the Judicial First Class Magistrate Court-II, Kollam, and seeks expeditious disposal of the said case.

2. On the date of admission, this Court sought for a report from the learned Magistrate. By communication dated 02-02-2023, it is informed that a period of 15 months is required after framing of charge to dispose of the case. It is also informed that summons has not been served on the accused other than A7, A14, A17, A18, and A19 and also that there are 95 witnesses in the case.

3. On a perusal of the documents produced by the petitioner, it is seen that the crime is of the year 2010 and the case was taken cognizance in the year 2016. The case has been pending consideration for the last 7 years before the Magistrate's Court itself. Having regard to the nature of the allegations and the offences alleged it is essential that steps are taken to dispose of the matter expeditiously and if required by speeding up the process of serving summons. In case summons is not able to be served despite attempts in that regard, the court can also think of splitting up the case.

4. Having regard to the long pendency of this matter, I am satisfied that a direction can be issued to dispose of the case in a time-bound manner.

5. Accordingly, there will be a direction to the learned Judicial First Class Magistrate Court-II, Kollam to dispose of C.C.No.4352/2016 as expeditiously as possible, at any rate, within an outer time limit of 12 months from the date of receipt of a copy of this judgment.

This original petition is disposed of as above.

Sd/-

BECHU KURIAN THOMAS
JUDGE

AJM/14/3/23

APPENDIX OF OP(CRL.) 47/2023

PETITIONER EXHIBITS

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| Exhibit P1 | THE COPY OF FINAL REPORT IN CRIME
NO.993/2010 OF ERAVIPURAM POLICE
STATION DATED 31.5.2016. |
| Exhibit P2 | THE COPY OF PROCEEDINGS OF CC
NO.4352/2016 ON THE FILE OF JFMC-II,
KOLLAM DOWNLOADED FROM THE E-COURT
SERVICES. |
| Exhibit P3 | THE COPY OF ORDER IN CRL.M.C
NO.2314/2018 DATED 5.4.2018.
//TRUE COPY// |