

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 6TH DAY OF MARCH 2023 / 15TH PHALGUNA, 1944

OP(CRL.) NO. 139 OF 2023

FOR EXPEDITIOUS DISPOSAL OF CC 3614/2017 IN CMP 4640/2017 ON THE FILE OF
JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM

PETITIONER/COMPLAINANT

MOIDU
AGED 73 YEARS
S/O C. BAPPUTTY, RESIDING AT MADATHIKATTIL,
MARANCHERRY, PONNANI TALUK, MALAPPURAM DISTRICT,
KERALA, PIN - 679579

BY ADVS.
R.RAMADAS
T.SIVADASAN

RESPONDENTS/ACCUSED AND THE STATE:

- 1 MUBEENA BEEGUM
AGED 56 YEARS
W/O SADIQ PASHA,
RESIDING AT 21, 9TH A MAIN,
HBR LAYOUT, 4TH BLOCK, BANGALORE,
PIN - 560043
- 2 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

BY ADV. M.C.ASHI, PUBLIC PROSECUTOR

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 06.03.2023, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 06th day of March, 2023

The complainant in C.C.No.3614 of 2017 on the files of the Judicial First Class Magistrate Court, Kunnamkulam has filed this original petition seeking expeditious disposal of the case.

2. Learned Counsel for the petitioner pointed out that the complaint was originally filed before the XIV Additional Chief Metropolitan Magistrate Court, Bangalore and later, re-presented before the Judicial First Class Magistrate Court, Kunnamkulam and re-numbered as C.C.No.3614 of 2017. It is submitted that the inordinate delay in disposing the case is causing substantial prejudice to the complainant.

3. In the report called for from the jurisdictional Magistrate, it is stated that, summons is issued to the accused and the case stands posted to 09.06.2023 for return of summons. The learned

Magistrate has also stated that the case can be disposed of within six months.

In view of the above statement, the original petition is disposed of, directing the Judicial First Class Magistrate, Kunnankulam, to take earnest efforts to try and dispose of C.C.No.3614 of 2017 within six months.

Sd/-

V.G.ARUN

JUDGE

APPENDIX OF OP(CRL.) 139/2023

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE AGREEMENT DATED 30.09.2013 EXECUTED BETWEEN THE PETITIONER AND 1ST RESPONDENT
EXHIBIT P2	TRUE COPY OF THE DISHONoured CHEQUE DATED 08.05.2014
EXHIBIT P2(A)	TRUE COPY OF THE RETURN MEMO REPORT ISSUED BY STATE BANK OF TRAVANCORE, PERUMPILAVU BRANCH ON 09.05.2014
EXHIBIT P3	TRUE COPY OF THE LAWYER NOTICE DATED 07.06.2014 ISSUED TO THE 1ST RESPONDENT ON BEHALF OF THE PETITIONER
EXHIBIT P3(A)	TRUE COPY OF THE POSTAL ACKNOWLEDGMENT DATED 10.06.2014 SIGNED BY 1ST RESPONDENT ON RECEIPT OF EXT.P3 LAWYER NOTICE
EXHIBIT P4	TRUE COPY OF THE COMPLAINT DATED 14.07.2014
EXHIBIT P5	TRUE COPY OF THE SWORN-TO STATEMENT DATED 27.01.2016 FILED BY THE PETITIONER IN C.C.55308/2014
EXHIBIT P6	CERTIFIED COPY OF THE PROCEEDINGS PAPER/ORDER SHEET IN C.C. NO.3614/2017 IN CMP NO.4640/2017 ON THE FILE OF THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, KUNNAMKULAM

RESPONDENTS' ANNEXURE: NIL

TRUE COPY

P.A. TO JUDGE