

**Vinod Vs. State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1017786](http://sooperkanoon.com/1017786)

**Court :** Kerala

**Decided On :** Jul-31-2013

**Judge :** Honourable Mr.Justice V.K.Mohanan

**Appellant :** Vinod

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN WEDNESDAY, THE 31ST DAY OF JULY 2013 9TH SRAVANA, 1935 CrI.MC.No. 3209 of 2013 () ----- CC.NO. 2341/2001 OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM ----- PETITIONER/ACCUSED: ----- VINOD, S/O.RAMACHANDRAN, AGED 4 YEARS, VINPRABHA, FATHIMA CHURCH ROAD, ELAMKULAM VILLAGE, KADAVANTHRA, KOCHI-20. BY ADV. SRI.P.T.JOSE RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts CrI.MC.No. 3209 of 2013 () ----- APPENDIX PETITIONER(S)' ANNEXURES: ----- ANNEX-I: TRUE COPY OF THE CHARGE IN CRIME NO.442/2000 PENDING BEFORE

THE CJM COURT, ERNAKULAM. RESPONDENT(S)' ANNEXURES: NIL /TRUE COPY/ P.A.TO.JUDGE sts V.K.MOHANAN, J.

----- Crl.M.C.No.3209 of 2013  
----- Dated this the 31st day of July, 2013

## ORDER

The petitioner is the sole accused in C.C.No.2341/2001 pending before the Court of Chief Judicial Magistrate, Ernakulam wherein the offences alleged are under Sections 408 and 477(A) of IPC. The grievance of the petitioner is that though the case is pending right from 2001 onwards there is no substantial progress except the examination of Pws1 to 11 who did not support the prosecution except PW1. Therefore, he preferred the above M.C under Section 482 of Cr.P.C with a prayer to direct the Chief Judicial Magistrate Court, Ernakulam to dispose the above case at the earliest.

2. Heard the counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the facts and circumstances involved in the case, it appears that Crime No.442/2000 was registered on 12/7/2000 connected with an incident occurred Crl.M.C.No.3209 o

2. on 9/10/1994. On completing the investigation the Police preferred the report and Court took cognizance during the year 2001. However, the prosecution evidence started by examined Pws.1 to 11 on 12/10/2006 and thereafter the remaining witnesses are not examined so far and proceedings are pending against Cws.15 and 17 from 18/2/2010 onwards. As the trial has already commenced and main witnesses from the prosecution have already been examined and the only Cws.15 and 17 are yet to be examined, it is for the Court below to see that these witnesses are examined without any further delay and to conclude the trial. If the charge witnesses are not turning up on issuing process, the Court has to adopt appropriate coercive steps to see that this witnesses are present in accordance of the schedule fixed by the Court below.

4. I hope that the learned Chief Judicial Magistrate will see that the remaining charge witnesses namely Cws. 15 and 17 will be appeared on the date fixed for their appearance and their examination will be conducted without further delay  
Crl.M.C.No.3209 o

3. and the trial in the above case will be expedited and the same will be concluded without much delay. Subject to the above observation this Crl.M.C is disposed of.  
Sd/- V.K.MOHANAN, JUDGE AS

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