

Ansari Vs. State of Kerala

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Court : Kerala

Decided On : Feb-26-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Ansari

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN WEDNESDAY, THE 26TH DAY OF FEBRUARY 2014 7TH PHALGUNA, 1935 CrI.MC.No. 129 of 2014
----- AGAINST THE

ORDER

IN CRL.MP53472013 of SESSIONS COURT, ALAPPUZHA DATED 25-11-2013 CRIME NO. 490/2011 OF MANNANCHERRY POLICE STATION , ALAPPUZHA
----- PETITIONER(S)/PETITIONERS/ACCUSED NOS.1,6,10,11 & 16:
----- 1. ANSARI,
AGED 33 YEARS, S/O.SAINUDEEN, PANACKAL HOUSE, WARD NO.VII
MANNANCHERRY, ALAPPUZHA DISTRICT.

2. SHAJI, AGED 40 YEARS, S/O.ABOOBACKER, THEKKEVEETIL HOUSE,
WARD NO.XVII MANNANCHERRY, ALAPPUZHA DISTRICT.

3. NISAM, AGED40YEARS, S/O.ABDU, THURUTHIYIL, MANNACHERY ALAPPUZHA DISTRICT.

4. SUNEER, AGED28YEARS, S/O.SUBAIR, THEKKEVILI, MANNANCHERRY, ALAPPUZHA DISTRICT.

5. FAZIL, AGED26YEARS, S/O.KAMARUDEEN, KUNNEL, WARD NO.XVII, MANNANCHERRY, ALAPPUZHA DISTRICT. BY ADVS.SRI.E.RAFEEK SRI.GOKUL DAS V.V.H. RESPONDENT/COUNTER PETITIONER/COMPLAINANT(S):

----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON2602-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ CrI.MC.No. 129 of 2014 ----- APPENDIX PETITIONER(S)' ANNEXURE ----- ANNEXURE1 COPY OF THE COMMON

ORDER

DATED1010.11 IN CRL.M.P NO.2606/11, CRL.M.P NO.2620/11 & CRL.M.P NO.2621/11 BEFORE THE SESSIONS COURT, ALAPPUZHA. ANNEXURE2 COPY OF THE

ORDER

DATED2511.13 IN CRL.M.P NO.5347/13 BEFORE THE SESSIONS COURT, ALAPPUZHA. RESPONDENT(S)' ANNEXURE ----- NIL. / TRUE COPY / P.S. TO JUDGE PJ K. Ramakrishnan, J.

===== CrI.M.C.No.129 of 2014
===== Dated this, the 26th day of February, 2014.

ORDER

This is an application filed by the petitioners against order in Crl.M.P.No.5347/13 of Sessions Court, Alappuzha, under Section 482 of Code of Criminal Procedure.

2. It is alleged in the petition that petitioners are accused Nos. 1, 6, 10, 11 & 16 in Crime No.490/11 of Mannancherry Police Station of Alappuzha District. The offence alleged against them are punishable under Sections. 143, 145, 147, 148, 283, 332 of Indian Penal Code. After investigation, final report was filed and it was taken on file as C.C.No.839/13 before the Judicial First Class Magistrate No-I, Alappuzha. As per Annexure A1 order, petitioners were granted anticipatory bail with conditions inter alia that they should surrender their passport. Accordingly, they have surrendered their passport before the Judicial First Class Magistrate Court No-I, Alappuzha, where the case is now pending. Since the petitioners want to go abroad in connection with their employment, they filed Crl.M.P.No.5347/13 before the Crl.M.C.No.129 of 2014 :

2. : Sessions Court, Alappuzha, seeking lifting of the condition that they should not leave jurisdiction without prior permission and shall surrender their passport before that court. That was dismissed by the learned Sessions Judge by the the impugned Annexure-2 order. Aggrieved by the same, the present petition has been filed by the petitioners seeking following relief: "To set aside Annexure II order and allow Crl.M.P.No.5347/2013 before the Sessions Court, Alappuzha." 3. Heard the Counsel for the petitioners and learned Public Prosecutor.

4. Considering the nature of offences alleged and also considering the fact that if the accused persons were allowed to go abroad, the case is likely to be prolonged due to non- availability of the accused persons and that may delay the disposal of the case, a report from the concerned magistrate was called for regarding the present stage of the case and how much time it will take for the learned magistrate to dispose of the case. Accordingly, learned magistrate sent a report which reads as follows: Crl.M.C.No.129 of 2014 :

3. : "With reference to the above, I most humbly submit the following: C.C.839/13 pending on the file of this court was charge sheeted by the Mannancherry Police against 21 accused persons for offences punishable u/s. 143, 145, 147, 148, 283, and 332 IPC. On 6.2.2014 all the accused appeared before court and filed an

advance petition to advance the hearing date from 6.5.2014 to that date. The accused were enlarged on bail and charge was also framed against them for offences punishable u/s 143, 145, 147, 148, 149, 283, 332 IPC. The case stands posted for evidence to 6.5.2014. In the above case the prosecution has cited 14 witnesses and out of these 11 are official witnesses. I am of the humble opinion that six months time may be required to record the evidence and to complete the trial. Therefore, I humbly request that six months time for disposal of the case C.C.839/13 according to law." 5. Considering the fact that charge has already been framed and it is posted for evidence, this petition can be disposed of on the basis of the report submitted by the learned magistrate fixing a time frame for disposal of the case. So, the petition is disposed as follows: The Judicial First Class Magistrate Court No-I, Alappuzha, is directed to dispose of C.C.No.839/13 pending before that court as expeditiously as possible at any rate within 6 months from the date of receipt of this order. Crl.M.C.No.129 of 2014 :

4. : With the above direction and observation, the petition is disposed of. Communicate this order to the concerned court immediately. Sd/- K.Ramakrishnan, Judge. Bb [True copy] P.A to Judge

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