

Sadique Vs. State of Kerala Represented by Public Prosecutor

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Court : Kerala

Decided On : Jun-11-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Sadique

Respondent : State of Kerala Represented by Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN WEDNESDAY, THE 11TH DAY OF JUNE 2014 21ST JYAISHTA, 1936 OP(Crl.).No. 97 of 2014 (Q) ----- SC.NO.233/2010 OF ADDL. DISTRICT COURT - II, THALASSERY ----- PETITIONER : ----- SADIQUE.M, S/O. AHAMED, MUKKALAKKAL HOUSE, P.O.KADANNAPPALLY, KANNUR DISTRICT. BY ADVS.SRI.R.PARTHASARATHY SRI.RAJESH V.NAIR RESPONDENT : ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA. BY PUBLIC PROSECUTOR SMT. P.MAYA THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 1106-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: sts K. Ramakrishnan, J.

===== O.P.(Criminal)No.97 of 2014
===== Dated this, the 11th day of June, 2014.

JUDGMENT

This is an application filed by the petitioner who is an accused in S.C.No.233/2010 of Additional Sessions Court, No- II, Thalassery to have a speedy disposal of the case under Article 227 of Constitution of India.

2. It is alleged in the petition that petitioner is the accused in S.C.No.233/2010 on the file of Additional Sessions Court, No-II, Thalassery and the case was registered on the basis of the statement given by de facto complainant in respect of an incident alleged to have happened on 17.03.2008 alleging offences under Section 436 of Indian Penal Code. The evidence in this case started on 02.08.2013 and PWs 1 to 8 were examined and it was posted to 07.09.2013 for examination of other witnesses. The prosecution evidence was closed on 23.09.2013 and thereafter, it was posted to 05.10.2013 for questioning of the accused under Section 313 of Code of Criminal Procedure and it was done on 11.11.2013. Thereafter, it was being adjourned on several dates namely., 15.11.2013, 18.11.2013, 25.11.2013, 28.11.2013, O.P.(Criminal)No.97 of 2014 :

2. :

03. 12.2013, 10.12.2013, 24.12.2013, 30.12.2013, 17.01.2014, 28.01.2014, 06.02.2014, 17.02.2014, 12.03.2014, 18.03.2014, 24.03.2014, 04.04.2014, 02.05.2014, 12.05.2014, 20.05.2014 and 04.06.2014 and in fact on 15.11.2013, it was mentioned that there is no defence evidence. In spite of that, it is being being adjourned to the above dates for hearing. He himself and his Counsel were present. But the case was not taken. On account of the pendency of the case, he is not able to pursue his opportunity to go abroad. So, he has no other remedy except to approach this court seeking the following relief: "To direct the District Judge (Addl.II), Thalassery to dispose S.C.233/2010 in a time framed manner." 3. On the basis of the allegations in the petition, a report has been called for from the concerned court and the learned Additional Sessions Judge submitted a report which reads as follows: "As per the reference cited above, it is submitted that SC2332010 stands posted for defence evidence to 17.06.2014. Hence it is humbly requested that two months time may be granted for disposal of the case." 4. So, considering the relief claimed, this court felt O.P.(Criminal)No.97 of 2014 :

3. : that the petition can be disposed of on the basis of the report submitted by the learned Additional Sessions Judge after hearing the Counsel for the petitioner and the learned Public Prosecutor.

5. It is seen from the report of the Additional Sessions Judge that it is posted to 17.06.2014 for defence evidence and if two months time is granted, he will be able to dispose of the same. The report of the Additional Sessions Judge is recorded and the Additional Sessions Judge is directed to dispose of the case within two months from 17.06.2014 on the date on which the case is posted for defence evidence as per the report. With the above direction and observation, the petition is disposed of. Office is directed to communicate this order to the concerned court immediately. Sd/- K.Ramakrishnan, Judge. Bb [True copy] P.A to Judge

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