

Sameer Mirza Vs. State of Kerala

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Court : Kerala

Decided On : Oct-28-2014

Judge : Honourable Mr. Justice P.Ubaid

Appellant : Sameer Mirza

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE P.UBAID TUESDAY, THE 28^H DAY OF OCTOBER 2014 6TH KARTHIKA, 1936 CrI.MC.No. 6080 of 2014 () ----- IN CRA12014 of DISTRICT COURT, KAVARATTY IN CC12014 of JUDL.MAGISTRTE OF FIRST CLASS, AMINI IN CrI.MC49752013 of HIGH COURT OF KERALA PETITIONER(S)/PETITIONERS/ACCUSED NO. 1 TO 3 ----- 1. SAMEER MIRZA AGED 22 YEARS S/O SHOUKATHALI K.C., SAINABA MANZIL, KAVARTHY ISLAND U.T. OF LAKSHADWEEP, PIN:682555.

2. MOHAMMED SHAFI, AGED 25 YEARS S/O KOYAMMA HAJI, KEELAPUDIKA HOUSE, KAVARATTI ISLAND U.T. OF LAKSHADWEEP, PIN:682555.

3. SALAHUDDIN AGED 28 YEARS S/O K.N.K.ABDUL KHAIR, THRIVENI HOUSE KAVARATTI ISLAND, U.T. OF LAKSHADWEEP, PIN:682 555. BY ADVS.SRI.KRISHNA PRASAD. S SRI.B.SIBI

RESPONDENT(S)/RESPONDENT/COMPLAINANT/STATE:

----- UNION
TERRITORY OF LAKSHADWEEP THROUGH SUB INSPECTOR OF POLICE
KAVARATHY POLICE STATION, KAVARATHY ISLAND U.T. OF
LAKSHADWEEP,PIN:682555. BY ADV.
SRI.S.RADHAKRISHNAN,SC,LAKSHADWEEP ADMN BY PUBLIC
PROSECUTOR SMT. S. HYMA THIS CRIMINAL MISC. CASE HAVING COME
UP FOR ADMISSION ON2810-2014, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING: Crl.MC.No. 6080 of 2014 () ----- APPENDIX
PETITIONER(S)' EXHIBITS ----- ANNEXURE A1: A TRUE
COPY OF THE SELECT LIST DATED305.2013 ISSUED BY THE OFFICE OF
THE SUPERINTENDANT OF POLICE, U T OF LAKSHADWEEP. ANNEXURE
A2: A TRUE COPY OF THE

JUDGMENT

MADE IN CRL.M.C.NO.4975 OF 2013 BY THIS HONOURABLE COURT
DATED411.2013. ANNEXURE A3: A TRUE COPY OF THE

JUDGMENT

PASSED IN C.C.NO.1 OF 2014 BY THE JUDICIAL FIRST CLASS MAGISTRATE,
AMINI DATED182.2014. ANNEXURE A4: A TRUE COPY OF THE REPLY
LETTER ISSUED FROM THE OFFICE OF THE SUPERINTENDANT OF POLICE,
KAVARATTI DATED110.2014. ANNEXURE A5: A TRUE COPY OF THE DELAY
CONDONATION PETITION HAS BEEN FILED AS CRL.M.P.NO.40 OF2014 IN
CRL.APPEAL NO.1 OF2014 A TRUE COPY OF THE CRL.MP NO.40 OF 2014 IN
CRL APPEAL NO.1 OF 2014 DATED99.2014. RESPONDENT(S)' EXHIBITS: NIL
----- /TRUE COPY/ PATO JUDGE sab P.UBAID, J.

----- Crl. M.C No. 6080 of 2014 -----
Dated this the 28th day of October, 2014.

ORDER

The petitioners herein are the accused Numbers 1 to 3 in Crime No.1/2013 of
Kavarathy Police Station, registered under Sections 341, 324 and 506 IPC. On

trial the learned Judicial First Class Magistrate, Amini acquitted all the accused, as per judgment dated 18.2.2014 in C.C.1/2014. The said judgment of acquittal is now under challenge in the court of Session, Kavaratti. The apprehension of the petitioners is that, if disposal of the said criminal appeal is delayed, the petitioners will lose their prospects for job. It is submitted that they are already in the rank list of Police Constable, and that if the appeal is not disposed of within a short period they will lose that job. The apprehension and concern expressed by the petitioners will have to be considered by the court. In such a situation I feel it appropriate to direct the learned Sessions Judge to dispose of the criminal appeal at the earliest. In the result, this petition is allowed. The learned Sessions Judge, Kavaratti is hereby directed to hear and dispose of criminal appeal 1/2014 as expeditiously as possible, or at any rate within six CrI. M.C No. 6080 of 2014 2 weeks, if possible. Registry will communicate a copy of the judgment immediately to the court below.
P.UBAID, JUDGE sab

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