

**Sivan vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1320122](https://sooperkanoon.com/1320122)

**Court :** Kerala Orders

**Decided On :** Mar-27-2024

**Judge :** Honourable Mr. Justice Bechu Kurian Thomas

**Appeal No. :** Crl.MC/3004/2024

**Appellant :** SIVAN

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 27TH DAY OF MARCH 2024 / 7TH CHAITHRA, 1946 CRL.MC NO. 3004 OF 2024 CRIME NO.178/2019 OF RAJAKKAD POLICE STATION, IDUKKI IN SC NO.480 OF 2020 OF ADDITIONAL SESSIONS COURT (ADHOC)-II, THODUPUZHA PETITIONERS/PETITIONERS/ACCUSED PERSONS: 1 SIVAN AGED 70 YEARS S/O. KUNJAPPAN, KAIPPALLIL HOUSE, MAMMATTIKKANAM KARA, RAJAKKADU VILLAGE, IDUKKI, PIN - 685566 2 JAGADAMMA AGED 65 YEARS W/O. SIVAN KAIPPALLIL HOUSE, MAMMATTIKKANAM KARA, RAJAKKADU VILLAGE, IDUKKI, PIN - 685566 BY ADV HARSHADEV M.

RESPONDENTS/RESPONDENTS/STATE AND COMPLAINANT: 1  
STATE OF KERALA REPRESENTED BY ITS PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 THE  
STATION HOUSE OFFICER -:2:- RAJAKKADU POLICE STATION,  
RAJAKKADU, IDUKKI, PIN - 685566 BY ADV. NOUSHAD K. A. PUBLIC  
PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR  
ADMISSION ON 27.03.2024, THE COURT ON THE SAME DAY  
PASSED THE FOLLOWING: -:3:-

**BECHU KURIAN THOMAS, J.**

----- Dated this  
the 27th day of March, 2024

## **ORDER**

Petitioners are the accused in S.C.No.480/2020 on the files of the

Additional Sessions Court-II, Thodupuzha. The case arises out of an alleged murder that took place in the year 2019. Initially, the trial was scheduled to be held on 17.11.2023 till 19.12.2023. However, since the counsel for the petitioners pointed out a personal inconvenience, the learned Sessions Judge rescheduled the trial to 04.04.2024 till 15.04.2024.

2. Petitioners contend that, in the meantime, the Parliamentary elections in Kerala have been scheduled to be held on 26.04.2024. The counsel for the petitioners is the General Secretary of the Kerala Pradesh

Congress Committee (KPCC), which is stated to be an official administrative body of the Indian National Congress (I). Since the counsel for the accused has been nominated as the office bearer in charge of the election campaign for Idukki Constituency, petitioners request that the trial ought to be adjourned and rescheduled to a date after 26.04.2024.

3. I have heard Sri. Harshdev.M, the learned counsel for the petitioner and Sri. Noushad. K.A, the learned Public Prosecutor. -:4:-

4. The repeated adjournment of criminal trials and re-scheduling it

have been the bane of our criminal justice system. Inconvenience of the counsel is not a ground for adjourning a trial that is scheduled. If such requests are permitted, there would be no end to adjournments of criminal trials.

5. From the pleadings in the instant case it is evident that the trial

was initially scheduled to commence on 17.11.2023, which was, adjourned at the request of the petitioners counsel to 01.04.2024. At the time when the date was fixed, no one had any objection regarding the date. However, the declaration of elections and the position held by the petitioners counsel in a political party are now cited as reasons to seek a further reschedulement of the trial.

6. This Court cannot accede to the request for such adjournment of

the trial already scheduled. Elections will be held to different bodies on various occasions. Petitioners counsel is not the candidate for the election notified but is only an office bearer of one of the political parties. If such requests are acceded to, the entire justice delivery system will be affected. The trial in the instant case, is scheduled to commence on 01.04.2024 and conclude on 15.04.2024 while the election is scheduled to

be held on 26.04.2024. Therefore, even on that ground the request cannot be acceded. -:5:- Hence, I find no merit in this criminal miscellaneous case and it is dismissed. Sd/- BECHU KURIAN THOMAS JUDGE Jka/27.03.24 -:6:- APPENDIX OF CRL.MC 3004/2024 PETITIONER ANNEXURES Annexure -A1 TRUE COPY OF THE FINAL REPORT FILED IN CRIME NO.178/2019 OF RAJAKKAD POLICE STATION DATED 12.8.2019 Annexure -A2 TRUE COPY OF THE APPLICATION DATED

19.3.2024 SUBMITTED BY THE COUNSEL FOR THE PETITIONERS IN SC NO. 480/2020 BEFORE THE II -ADDITIONAL SESSIONS COURT, THODUPUZHA Annexure -A3 CERTIFIED COPY OF THE ORDER DATED 21.3.2024 IN CRL.M.P. 1086/2024 IN SC NO. COURT, THODUPUZHA