

Midhun vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-29-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/6360/2024

Appellant : Midhun

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS MONDAY, THE 29TH DAY OF JULY 2024 / 7TH SRAVANA, 1946 CRIME NO.654/2017 OF North Paravur Police Station, Ernakulam CC NO.1258 OF 2020 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- III, NORTH PARAVUR PETITIONERS/ ACCUSED 1 TO 5 : 1 MIDHUN S/O SIVADASAN, KAPPUNGAL HOUSE, KUNJITHAI KARA, VADAKKEKARA VILLAGE, PIN - 383522 2 REMIN S/O RADHAKRISHNAN, THACHANGATTU HOUSE, NANDHIKULANGARA, KOTTUVALLI VILLAGEPIN, PIN - 683513 3 KIRAN AGED 36 YEARS S/O RAGHUNATH, KALLARAKKAL HOUSE, NANDIKULANGARA, KOTTUVALLI VILLAGE, PIN - 683513 4 BOBAN AGED 51 YEARS S/O

MUKUNDAN, PATHIYAPARAMBIL HOUSE, KUNJITHAI, VADAKKEKARA VILLAGE, PIN - 683522 5 AJEESH PURUSHAN, NEDIYARA HOUSE, KUNJITHAI, VADAKKEKARA VILLAGE, PIN - 683522 BY ADVS. M.VIVEK RENEETA VINU RESPONDENT/ COMPLAINANT : STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 BY SMT. SREEJA V., PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- CrI.M.C.No.6360 of 2024 -----
----- Dated this the 29th day of July, 2024 -----

ORDER

Petitioners are accused 1 to 5 in C.C.No.1258 of 2020 on the files of the Judicial First Class Magistrate's Court-III, North Paravur. They seek to quash the above proceedings.

2. According to the petitioners, CW1, who is the main witness in

the case was examined and he failed to identify the petitioners and therefore the remaining proceedings in the trial can only be a formality. In such circumstances, petitioners plead for quashing the entire proceedings.

3. Having heard the learned counsel for the petitioners as well as

the learned Public Prosecutor, I am of the view that since the trial has already started, it is not open for the petitioners to approach this Court under Section 482 of Cr.P.C. to quash the proceedings. Accordingly I decline to grant such a relief.

4. Noticing the disinclination of this Court to grant the relief as prayed for, the learned counsel submitted that the proceedings may be directed to be disposed of in a time bound manner.

5. In the decision in High Court Bar Association, Allahabad v.

State of UP & Others [2024 INSC 150], the Supreme Court has observed that Constitutional Courts should not issue directions to dispose of the cases pending in the trial court, in a time bound manner. Hence I decline to issue such a direction as well. Further since the trial has already commenced, there is no reason to assume that the learned Magistrate will delay its conclusion. Once the trial was started, it is necessary for the court to dispose of the matter without undue delay. The learned Magistrate will bear in mind the aforesaid principle and if in case any request for a time bound disposal is made, it shall be considered on the basis of the above principle. With the above observations, this Crl.M.C. is dismissed. Sd/-
BECHU KURIAN THOMAS, JUDGE RKM APPENDIX OF CRL.MC 6360/2024
PETITIONERS' ANNEXURES : Annexure -A1 TRUE COPY OF THE FIR IN CRIME NO: 654 OF 2017 OF NORTH PARAVUR POLICE STATION ALONG WITH THE FIS DATED 2-4-2017 Annexure -A2 CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO: 654 OF 2017 OF NORTH PARAVUR POLICE STATION, ERNAKULAM Annexure -A3 TRUE COPY OF EVIDENCE OF PW-1/CW-1 DATED 10-06-2024

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