

Ratheesh vs the State of Kerala

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Court : Kerala

Decided On : Sep-21-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : OP(Crl.)/530/2023

Appellant : Ratheesh

Respondent : The State of Kerala

Judgement :

OP(CRL.) NO. 530 OF 2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 21ST DAY OF SEPTEMBER 2023 / 30TH BHADRA,
1945 OP(CRL.) NO. 530 OF 2023 AGAINST THE ORDER/JUDGMENT
CC 541/2021 OF JUDICIAL MAGISTRATE OF FIRST CLASS -V,
THIRUVANANTHAPURAM(SPECIAL COURT-MARKLIST CASES)
PETITIONER/S: RATHEESHAGED 39 YEARSS/O BABU,
THANNIMOODOVILA VEEDU&LANE, MANNANTHALAP.O., ULLOOR
VILLAGE, THIRUVANANTHAPURAM, PIN - 695012 BY ADV
C.K.MOHANAN RESPONDENT/S: 1 THE STATE OF
KERALAREPRESENTED BY THE PUBLIC PROSECUTOR, THE HIGH

COURT OF KERALA, HIGH COURT POST, ERNAKULAM, PIN - 682031 2 THE SUB INSPECTOR OF POLICEMANNANTHALA POLICE STATION, MANNANTHALA POST, THIRUVANANTHAPURAM, PIN - 695012 BY ADV GOVERNMENT PLEADER OTHER PRESENT: SANGEETHA RAJ PP THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON 21.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP(CRL.) NO. 530 OF 2023 2 P.V.KUNHIKRISHNAN, J ----- O.P.Crl. No. 530 of 2023 ----- Dated this the 21st day of September, 2023

JUDGMENT

The above original petition is filed with following prayers:

i. Issue a direction to the Judicial First class Magistrate Court -V- Thiruvananthapuram to dispose C.C No. 541/2021 in Crime No. 1028/2021 of the Mannanthala Police station, as early as possible, at any rate within a period of three months, in the interest of justice and also on the humanitarian considerations. ii. To pass any other order or direction this Hon'ble court may deem fit and proper to grant in the circumstance of this case. iii. To dispense with the production of the translation of the vernacular documents produced in the Original petition (criminal).[SIC]

2. When this case came up for consideration, this

OP(CRL.) NO. 530 OF 2023 3 Court directed the Registry to get a report from the learned Magistrate. The report is submitted by the learned Magistrate. The relevant portion of the same is extracted hereunder :

In obedience to the reference above. I most humbly submit as follows. I may be permitted to humbly submit that. this case was filed U/ss. 294(b). 506, 448. 427 r/w. 34 of IPC in Crime No. 1028/2021 of Mannanthala Police Station against the accused Nos. 1 to 3. There are three accused

in this case as per the final report submitted by the Mannanthala Police Station. Accused No.1 - Harilal @ Chakku Harilal, accused No.2- Ratheesh.B @ Koratti Ratheesh and accused No. 3- Ratheesh M.L@Arappu Ratheesh. All the accused persons are on bail in the crime stage. The prosecution has cited 7 witnesses in this case and summons was issued to accused Nos. 1 to 3. The case is now posted on 20.09.2023 for the appearance of the accused. The evidence of the prosecution has not been started so far. This Court has a total pendency of 14157 cases. It is humbly submitted that a period of 6 months may be granted for the disposal of the case. I most humbly place this request for kind consideration.

3. The submission of the petitioner is that he wants to

go abroad and because of the pendency of the case, he is not in a position to go abroad. Considering the facts and OP(CRL.) NO. 530 OF 2023 4 circumstances of this case, I think there can be a direction to the learned Magistrate to dispose the same within six months. Therefore, this original petition is disposed of directing the Judicial First Class Magistrate-V, Thiruvananthapuram to dispose CC No.541/2021 as expeditiously as possible, at any rate, within six months from the date of receipt of a certified copy of this judgment. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS OP(CRL.) NO. 530 OF 2023 5 APPENDIX OF OP(CRL.) 530/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE FINAL REPORT IN CRIME

NO. 1028/2021 OF THE MANNANTHALA POLICE STATION, PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - V THIRUVANANTHAPURAM

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