

Kiran vs State of Kerala

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : OP(Crl.)/568/2023

Appellant : KIRAN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH
AGRAHAYANA, OP(CRL.) NO. 568 OF 2023 CRIME NO.69/2017 OF
Palarivattom Police Station, Ernakulam AGAINST THE
ORDER/JUDGMENT CC 923/2017 OF JUDICIAL MAGISTRATE OF
FIRST CLASS - IX, ERNAKULAM (TEMPORARY) PETITIONER/S:
KIRAN AGED 27 YEARS S/O. KARTHIKEYAN, MANNARAKUZHIYIL
HOUSE, IRUMPANAM P.O., MANIKKAPADI DESOM,
THIRUVANKULAM VILLAGE, ERNAKULAM, PIN - 682309 BY ADV
K.S.DHANESH KUMAR RESPONDENT/S: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF

KERALA, PIN - 682031 2 INSPECTOR OF POLICE PALARIVATTOM
POLICE STATION, ERNAKULAM DISTRICT, PIN - 682025 OTHER
PRESENT: SRI RENJITH TR, PP THIS OP (CRIMINAL) HAVING COME
UP FOR ADMISSION ON 30.11.2023, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING: -2-

P.V.KUNHIKRISHNAN, J.

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Dated this the 30th day of November, 2023

JUDGMENT

The above original petition (crl.) is filed with following prayers: A. Direct the Honble Judicial First Class Magistrate Court IX , Ernakulam to expedite the trail in CC 923 of 2017 in its files and dispose of the said case , expeditiously as possible and within a time frame as may be fixed by This Honble Court. and B. Such other order or decision, which this Honble Court may deem fit and proper in the interest of justice and circumstances of the case. (sic)

2. When this Original Petition came up for consideration,

this Court directed the registry to get a report from the learned Magistrate about the time required to dispose of the matter. A report is submitted by the learned Magistrate. The relevant portion of the same is extracted hereunder: I assumed charged by this count on 04.04.2023. there are 24,597 number of cases pending before this court of which 8099 are 5 + year old cases. This case is now posted to 22.08.2023. Total of 6 witnesses were cited by the prosecution. Since the testimony of CW1 is essential to -3- the prosecution case and presence of CW1 has still not been procured inspite of coercive steps, I most humbly submit that if the Honble High Court does not direct otherwise, this court shall endeavour to dispose of the matter with 8 months from this date.

The above submitted for kind consideration. In the light of the same, this Original Petition is disposed of directing the Judicial First Class Magistrate Court-IX, Ernakulam (Temporary) to dispose of CC No.923 of 2017 pending before that Court, as expeditiously as possible, at any rate, within eight months from today.

sd/- P.V.KUNHIKRISHNAN JUDGE
das -4- APPENDIX OF OP(CRL.) 568/2023
PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF FIR NO: 69 OF 2017 OF
PALARIVATTOM POLICE STATION DATED 12.01.2017 Exhibit P2 TRUE COPY
OF FINAL REPORT IN FIR NO:69 OF 2017 OF PALARIVATTOM POLICE
STATION

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