

**Shibi vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1440087](http://sooperkanoon.com/1440087)

**Court :** Kerala

**Decided On :** Oct-21-2022

**Judge :** Honourable Mr.Justice Ziyad Rahman a.a.

**Appeal No. :** Crl.MC/36/2021

**Appellant :** SHIBI

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.  
FRIDAY, THE 21ST DAY OF OCTOBER 2022 / 29TH ASWINA, 1944  
CRL.MC NO. 36 OF 2021 AGAINST THE ORDER/JUDGMENT CC  
935/2017 OF JUDICIAL MAGISTRATE OF FIRST CLASS -V, TVM  
(SPECIAL COURT-MARKLIST CASES) PETITIONER/A1: SHIBI AGED  
30 YEARS S/O. BHUVANACHANDRAN, MURIYANVILAKATHU  
HOUSE, NEAR ATTIPRA VILLAGE, THIRUVANANTHAPURAM  
DISTRICT BY ADV SHAJIN S.HAMEED RESPONDENTS/STATE &  
CW1:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC  
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM PIN 682

031 2 RAJEEV AGED 35 YEARS S/O. PUSHPAN, MUNDICHANVILAKOM HOUSE, NEAR ATTIPRA VILLAGE, THIRUVANANTHAPURAM DISTRICT PIN CODE 695 008 BY ADV ANUSHMA M.KHAN ADV M P PRASHANTH- PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21.10.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: : 2 :

## **ORDER**

Dated this the 21st day of October, 2022 The petitioner is the accused in Crime No. 1032 of 2016 of Thumba Police Station, which is now pending as C.C.No. 935/2017 on the file of the Judicial First Class Magistrate Court V, Thiruvananthapuram. The offences alleged against the petitioner are punishable under Sections 294 (b), 341, 323 r/w Section 34 of Indian Penal Code.

2. The prosecution case is that, on 25/08/2016

at 5.30 pm, the accused persons wrongfully restrained the 2nd respondent/de facto complainant, hurled obscene words, and assaulted him. Annexure-A is the final report submitted. This Crl.M.C is filed for quashing all further proceedings pursuant to Annexure-A.

3. When this Crl.M.C came up for consideration

before this Court on 06/10/2022, learned counsel for the petitioner confined the relief for a direction to the learned Magistrate to expedite the trial of : 3 : the case and complete the same within a time fixed by this Court. Accordingly, a report was called for from the learned Magistrate as to the present status of the case and the time required for completing the trial of the same. In response to the same, a report dated 15/10/2022 has been placed on record, wherein, it is mentioned that the trial can be completed within a period of six months. After considering the facts and circumstances of the case, I am of the view that, the period specified by the learned Magistrate is reasonable. In such circumstances, this Crl.M.C is disposed of directing the Judicial First Class Magistrate Court V, Thiruvananthapuram to dispose of C.C. No. of production of copy of this order. Sd/- ZIYAD RAHMAN A.A.

JUDGE anm : 4 : APPENDIX OF CRL.MC 36/2021 PETITIONER ANNEXURES  
ANNEXURE A CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO.  
1032/2016 OF THUMBA POLICE STATION ANNEXURE B AFFIDAVIT  
EXECUTED BY THE 2ND RESPONDENT/CW1 ANNEXURE C PHOTOCOPY  
OF THE ORDER DATED 18-01-2018 IN CRL.M.C NO. 145/2018 OF THIS  
HONOURABLE COURT.

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