

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Crl.MC.No. 7042 of 2014 ()

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AGAINST THE ORDER IN CMP 6872/2014 of J.M.F.C.-V,KOZHIKODE

PETITIONER(S)/PETITIONER/COMPLAINANT:

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THANSEERUDHEEN.M.K.  
S/O MOIDEEN, ANUGRAHA COTTAGE, MEEMULLAM PARA  
MAVOOR P.O., KOZHIKODE-673661.

BY ADV. SRI.P.T.JOSE

RESPONDENTS/ACCUSED:

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1. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM-682031.
  2. AFASL A.K.,  
S/O MUHAMMED KATHIRATTUPARAMBIL, AZHINJILAM P.O.  
MALAPPURAM (VAZHAKADU POLICE STATION LIMIT)  
PIN:673 632.

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
31-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 7042 of 2014 ()

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APPENDIX

PETITIONER(S)' EXHIBITS

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ANNEXURE A1: COPY OF COMPLAINT FILED BEFORE JFCM COURT-V, KOZHIKODE  
IN CMP 6872/2014.

ANNEXURE A2: COPY OF NOTICE FROM THE MALAPPURAM DISTRICT  
COOPERATIVE BANK, MALAPPURAM DATED 19.11.2014.

ANNEXURE A3: COPY OF SKILLED MIGRATION OF THE PETITIONER.

RESPONDENT(S)' EXHIBITS

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/TRUE COPY/

P.S TO JUDGE

**P.UBAID, J.**  
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**Crl.M.C No.7042 of 2014**  
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**Dated this the 31<sup>st</sup> March, 2015**

**ORDER**

The petitioner herein is the complainant in a prosecution brought under Section 138 of the Negotiable Instruments Act. It was initially filed before the Judicial First Class Magistrate Court, Kunnamangalam. In view of the decision of the Hon'ble Supreme Court regarding territorial jurisdiction, the complaint was returned, and accordingly the petitioner represented the complaint before the Judicial First Class Magistrate Court-V, Kozhikode. It was received as C.M.P No.6872 of 2014 in the said court. After necessary enquiry, the learned Magistrate took cognizance under Section 138 of the Negotiable Instruments Act as S.T No.2349 of 2014 on 8.12.2014 and issued summons to the accused for appearance. The petitioner seeks orders from this Court under Section 482 of Cr.P.C directing disposal of the case within a particular period on the ground that he has obtained a VISA to go abroad for employment. The report submitted by the

learned Magistrate shows that the complaint was taken on file only on 8.12.2014, and the accused is yet to appear in court. In such a situation, it would be inappropriate to direct a time bound disposal. However, the petitioner can present his grievance before the learned Magistrate and make request for expeditious disposal of the case. Anyway, if he wants a speedy trial, and if his request is genuine, it will definitely be considered by the learned Magistrate. He can make such a request with reason and request the court below to expedite trial, or to record his evidence at the earliest.

With the above observations, this Crl.M.C is disposed of. Communicate a copy of this order to the learned Magistrate.

**P.UBAID  
JUDGE**

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