

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE MARY JOSEPH

THURSDAY, THE 31ST DAY OF MARCH 2022 / 10TH CHAITHRA, 1944

CRL.MC NO. 1408 OF 2022

IN S.T.NO.3578/2016 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, PATHANAMTHITTA

PETITIONER/COMPLAINANT:

MR.SASIDHARAN T.S, AGED 79 YEARS,
S/O.LATE SANKARAN, RAGAM HOUSE, ELANTHOOR P.O, KOZHENCHERRY,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.P.VINODKUMAR

RESPONDENTS/ACCUSED 1 & 2 AND STATE:

- 1 MR.SHAJI T.P, AGED 58 YEARS,
S/O.LATE PURUSHOTAMAN P.S, RAGAM HOUSE, ELANTHOOR P.O,
KOZHENCHERRY, PATHANAMTHITTA DISTRICT, PIN - 689 643.
- 2 MRS.SHEEBA KUMARU C.V, AGED 48 YEARS,
W/O.SHAJI T.P, RAGAM HOUSE, ELANTHOOR P.O, KOZHENCHERRY,
PATHANAMTHITTA DISTRICT-689 643.
- 3 STATE OF KERALA REP BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 018

R3 BY SMT.SYLAJA, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.03.2022, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 31st day of March, 2022.

This petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (For short, 'Cr.P.C') seeking for a time bound disposal of S.T No.3578/2016 pending on the files of Judicial Magistrate of First Class-I, Pathanamthitta. S.T No.3578/2016 is a prosecution launched by the petitioner alleging commission of an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'N.I Act'). The reason for seeking expeditious disposal is the mental trauma caused to the petitioner, who is a man aged 79 years on account of the delay occurred in the proceedings of the prosecution.

2. This Court has called for a report from Judicial First Class Magistrate Court-I, Pathanamthitta regarding the present status of the case and also the time it required to dispose of S.T No.3578/2016. The Judicial Officer presiding the court concerned has reported that the examination of the complainant as PW1 and marking of some documents as Exts.P1 to P11 on his side are already

over. Certain documents were also marked by the defence during cross examination of PW1. Thereafter, the complainant had filed an additional witness list citing 5 witnesses. The complainant was also directed to deposit batta for issuing summons to official witnesses. But, due to outbreak of Covid-19 pandemic, normal functioning of the court was obstructed for about two years. The case now stands posted for further evidence of the complainant. It is further submitted by the Judicial Officer that five year old cases numbering around 4,696 are pending on its file. However, he assured to dispose of the case, within a time span of six months.

In the above circumstances, Crl.M.C is allowed and the Judicial Officer concerned is directed to abide by his assurance to dispose of the case within a period of six months from this day.

Sd/-
MARY JOSEPH
JUDGE

APPENDIX OF CRL.MC 1408/2022

PETITIONER'S ANNEXURES:

ANNEXURE 1 PETITION S.T.3578 OF 2016 FILED BEFORE THE JFMC-1,
PATHANAMTHITTA.

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

P A TO JUDGE