
(2021) 06 KL CK 0402
In the High Court Of Kerala
Case No : OP(CRL.) NO. 212 Of 2021

Badarudheen Baliyapeedikayil

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 25-06-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 149, 294(b), 323, 324, 341, 354, 447, 506(ii)

Citation : (2021) 06 KL CK 0402

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : P.C.Anil Kumar, Manu M.Thomas, Ajith Murali

Final Decision : Disposed Of

Judgement

Shircy V, J

1. The petitioner is the first accused in Crime No.199 of 2013 of Nileshwaram Police Station registered for the offences punishable under Sections

341, 323, 324, 354, 447, 294(b), 506(ii) r/w Section 34 of IPC r/w Section 149 of Indian Penal Code, 1960.

2. He has filed this petition seeking the following reliefs:

â??i) Issue a direction to the Learned Judicial First Class Magistrate-II, Hosdurg pass on order in CMP 536/2021 in CC 338/2017 at the earliest, to secure ends of justice.

ii) Pass such any other order, direction of reliefs as this Hon'ble Court may deem fit in the interests of justice, equity and good conscience.â??

3. It is submitted by the learned counsel for the petitioner that he has approached the court with CMP No.536 of 2021 in C.C.No.338 of 2017 to direct the passport authorities to renew his passport which will expire soon. But his

application was not considered by the court below because of the order of stay obtained by this petitioner in CrI.M.C.No.2230/2021.

4. Heard the learned counsel for the petitioner as well the learned Public Prosecutor.

5. CrI.M.C.No.2230 of 2021 has been filed by this petitioner to quash the entire proceedings in C.C.No.338/2017 pending against him before the

Judicial First Class Magistrate-II, Hosdurg. When this CrI.M.C was moved before this Court as per an order dated 16.4.2021, the entire proceedings

was stayed by this Court. It appears that the court below has not disposed of the CMP filed by this petitioner because of the order of stay obtained by

this petitioner in CrI.M.Appln. 1/2021 in CrI.M.C.No.2230/2021.

6. But the order of interim stay was in force only upto 22.6.2021. Thereafter, the stay order was not seen extended by this Court. Obviously, there is

no order of stay in existence with respect to the said case. Therefore, the court is at liberty to dispose of the petition. the court below shall dispose of

the petition filed by the petitioner pending before that court, at the earliest, in the interests of justice.

With this observation, this Original Petition is disposed of.