

(2015) 05 KL CK 0128

In the High Court Of Kerala

Case No : Criminal Appeal Nos. 1602, 595, 1023 and 1002 of 2010

Sunny

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 22-05-2015

Acts Referred:

Citation : (2015) 3 KHC 946

Hon'ble Judges : K.T. Sankaran, J; Bhaskaran Pillai Sudheendra Kumar, J

Bench : Division Bench

Advocate : Sajeev T. Prabhakaran, for the Appellant

Judgement

K.T. Sankaran, J—On the re-opening day of the Court, namely, 20/05/2015, and on the following day, the counsel appearing for the appellants in the above cases did not appear before Court. Therefore, we ordered that notice will be issued to the appellant concerned. We also directed the Registrar General to publish a notice indicating that in any case where the counsel for the appellant does not appear, the absence of the counsel will be intimated to the appellant concerned and the matter will be reported to the Bar Council of Kerala. The notice was published in the High Court and copy of the notice was given to the Kerala High Court Advocates' Association, the High Court branch of the Kerala Federation of Women Lawyers and the Kerala High Court Advocates' Clerks' Association. Today, the President of the Kerala High Court Advocates' Association made a submission on behalf of the Association that the absence of the counsel before Court on 20th and 21st was not deliberate. He submitted that many counsel rely on the list published by the High Court in the website and in the website so published, the list of cases in Court 2B was not mentioned. The President of the Association submitted that many counsel were under the impression that there was no sitting in Court 2B and that resulted in their failure to appear before Court when the cases were called. He submitted that the members of the Bar would wholeheartedly co-operate with the Court and there will be no instance where the Court will be unable to function because of the absence of the counsel.

2. It is true that in the website, the cases posted for final hearing before this Court in the 800 list were not published as daily listed cases. The practice that is being followed is that the final hearing cases will be listed in the 800 list and published in the High Court Notice Board and also in the website. The list of final hearing cases were so published on 11/05/2015 in the Notice Board and website, but many counsel who relied only on the daily list in the website were under the impression that there was no sitting in Court 2B on the aforesaid two days because the final hearing cases did not appear in the daily list. The Registrar General has informed that taking into account this aspect, the Honourable the Chief Justice has directed the registry to publish in the website the list of the final hearing cases in the daily list in respect of Courts where only final hearing cases will be listed. That means, where only final hearing cases are posted in a particular Court, the cases listed in the final hearing list will also appear in the High Court website in the daily list of that particular Court, apart from the weekly list already published before the commencement of the particular week. By adopting this method, the difficulty experienced by a large section of members of the Bar would be obviated.

3. It is to be noted that the Kerala High Court is an institution which has always functioned in its full swing even on "harthal" and "bundh" days. The officers and staff of the High Court as well as the Advocates used to appear in Court on such days and help the Court to function in its full swing. Though this fact is not known to the public, the fact remains that the functioning of the High Court was never paralysed, at any point of time, by the call of any harthal, bundh or general strike. It is also an undisputed fact that the members of the Bar of the Kerala High Court have always extended their support and co-operation to the smooth functioning of the Court to its full extent. It is also heartening to note that the officers and staff of the High Court, the total number of whom would come to more than 1600, have always worked to the satisfaction of all concerned and at no point of time, there was any complaint of corruption or wanton dereliction of duty on the part of the officers and staff of the Court. It is doubtful whether there is any other institution in the State of Kerala where more than 1600 officers and staff work in unison with mutual cooperation and without giving any room for any allegation of corruption. In an institution like this, the Court should function in such a manner that administration of justice is carried out to the full satisfaction of all the stake holders and the general public. The President of the Kerala High Court Advocates' Association has reiterated the commitment of the members of the Bar to co-operate with the Court in its full extent to maintain the majesty of justice and the Court and to uphold the rule of law. We record with appreciation the submission made by the President of the Kerala High Court Advocates' Association.

We are of the view that in these circumstances, it is expedient to recall the order dated 20/05/2015 and we do so. The notice sent to the appellants in the aforesaid appeals will also stand as withdrawn. The Registrar General is directed to implement the aforesaid directions forthwith. Copy of this order will be

published in the Notice Board of the High Court and copies will be given to all the associations mentioned above today itself.