



2025:KER:86489

CRL.MC NO. 10110 OF 2025

1

“C.R”

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

THURSDAY, THE 13TH DAY OF NOVEMBER 2025 / 22ND KARTHIKA, 1947

CRL.MC NO. 10110 OF 2025

CRIME NO.203/2022 OF Kasaba Police Station, Palakkad, Palakkad
AGAINST THE ORDER/JUDGMENT DATED 04.11.2025 IN SC NO.903
OF 2022 OF I ADDITIONAL DISTRICT COURT & I ADDITIONAL MOTOR
ACCIDENT CLAIMS TRIBUNAL, PALAKKAD

PETITIONERS/ACCUSED 1 & 8:

- 1 RAMESH.K
AGED 42 YEARS
S/O.LATE KANDAMUTHAN, PARUKUTTY NIVAS, KALLIMULLI
POST, PARA, ELAPPULLY, PALAKKAD, PIN - 680551
- 2 G.GIRISH
AGED 41 YEARS
S/O.LATE GANESAN, VELLEKULAM, PALLATHERI POST,
ELAPULLY, PALAKKAD, PIN - 680551

BY ADVS.
SRI.RAJIT
SMT.SRUTHI RAJIT

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031



2025:KER:86489

CRL.MC NO. 10110 OF 2025

2

OTHER PRESENT:

SR PP SRI C S HRITHWIK

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
13.11.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



“C.R”

C.S.DIAS, J.**CRL.MC NO. 10110 OF 2025****Dated this the 13th day of November, 2025****O R D E R**

The petitioners are accused Nos. 1 and 8 in S.C. No. 903/2022, pending before the Additional Sessions Court-I, Palakkad (hereinafter referred to as ‘Trial Court’). The case has arisen from Crime No.203/2022, registered by the Kasaba Police Station, Palakkad, alleging the commission of the offences punishable under Sections 120B, 109, 118, 324, 326, 307, 302, 465, 471 and 201 r/w Section 34 of the Indian Penal Code and Section 27(3) r/w Section 7(a) of the Arms Act.

2. The 1st petitioner and accused Nos.2 and 3 are under-trial prisoners. By Annexure-1 order, this Court had dismissed the bail application filed by the 9th accused, but directed the Trial Court to conclude the trial within six



months from the date of framing of charge. As the trial could not be completed within the stipulated time, this Court has extended the time to conclude the trial until 25.03.2026, at the request of the Trial Court. The petitioners' counsel, a senior member of the Bar, has been under continuous treatment since 2017 for diabetic neuropathy and other ailments. Owing to his illness, the petitioners' counsel filed an application to postpone the trial for two months. The application was allowed, rescheduling the trial to 01.11.2025. On the scheduled day, although the petitioner's counsel reached the court premises, he was unable to climb the staircase to the first floor, where the Trial Court is situated. There is no elevator in the court complex. This difficulty was brought to the notice of the Trial Court and was cross-checked by the Special Public Prosecutor. Consequently, the Trial Court adjourned the trial and issued a stop memo to the remaining witnesses. The counsel for the accused Nos. 3



and 7 desire that the petitioner's counsel conduct the cross-examination of the remaining witnesses on their behalf. The prosecution has cited 167 witnesses, of whom 94 have been examined. The prosecution proposes to examine 14 more witnesses. Given the petitioners' counsel's familiarity with the case, his continued service is necessary for an effective and meaningful trial. Accordingly, the petitioners' counsel filed an application to adjourn the trial by a further period of three months. However, by the impugned Annexure 6 order, the Trial Court has rejected the said application. The impugned order is *ex facie* erroneous, improper and irregular.

3. I have heard Sri. Rajit, the learned counsel for the petitioners and Sri. C.S. Hrithwik, the learned Public Prosecutor.

4. Sri. Rajit reiterates the contention that the application to adjourn the trial was filed solely due to the illness of the petitioners' counsel, who was unable to climb



the staircase. Hence, treating the matter as a special case, this Court may direct that the venue for the remaining trial be shifted to a court hall situated on the ground floor of the court complex; alternatively, the trial be adjourned for another three months.

5. Opposing the Crl. M.C., the learned Public Prosecutor submits that this Court has already directed the case to be disposed of by 25.03.2026. Again, 14 more witnesses have to be examined by the prosecution. After that, the questioning of the accused under Section 313 Cr. P.C. is to be conducted, the defence evidence, if any, is to be let in, and the final hearing is to be conducted. If the case is adjourned as requested, it will exceed the time limit fixed by this Court. Hence, a reasonable but limited extension may be granted.

6. This Court has directed the trial in S.C. No. 903/2022 to be concluded on or before 25.03.2026. Despite the deadline, the Trial Court, in deference to the petitioner's



counsel, was gracious enough to adjourn the trial for two months. The petitioners' counsel has again made a similar request, to adjourn the trial by another three months on the same ground, or, in the alternative, to shift the venue of the trial from the present court hall to a court hall situated on the ground floor of the court complex. The latter request appears to be inspired by the decision of this Court in **Mani C. Kappan v. State of Kerala** [2024 KHC 1377], wherein the cross-examination of a witness was directed to be conducted in a court hall of a different court situated on the ground floor of a court complex owing to the health condition of a Senior Counsel.

7. The Bar and the Bench are the two wheels of the chariot of justice. The courts must remain sensitive to the genuine hardship and difficulties faced by an officer of the court. Nevertheless, the administration of justice cannot be permitted to be paralysed or clogged on account of such difficulty. Instead, where circumstances demand, a



pragmatic alternative must be devised, including availing of the facility of electronic video linkage under the Electronic Video Linkage Rules for Courts (Kerala), 2021, in this era of hybrid hearing, or engaging another counsel.

8. It must also be underscored that the accused 2 and 3 are under-trial prisoners. The right to a speedy trial is a fundamental right guaranteed under Article 21 of the Constitution of India. The direction of the Court to expedite the trial was necessitated by the fact that some of the accused are facing a custodial trial. The balance of convenience, coupled with the constitutional imperatives, mandates that the trial should not be unduly protracted. The petitioners' request to shift the venue of the trial to a court hall situated on the ground floor of the court complex cannot be permitted. All five courts functioning on the ground floor of the court complex are regular courts with a heavy pendency. The trial in the present case is not a matter that can be concluded in a single day, but is



expected to span several days. Displacing the court hall of an existing court on the ground floor to conduct the trial in the present case would inevitably disrupt the functioning of that court, causing severe hardship to the litigants and the whole system. However, notwithstanding the impugned order, having regard to the genuine circumstances and to ensure that the petitioners get a fair opportunity to conduct their defence, this Court is inclined to grant the petitioners a breathing time, to enable their counsel to recuperate or to put in place alternative arrangements.

Accordingly, in exercise of the inherent powers of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, Crl. M.C. is allowed in part in the following manner:

- (i) Annexure 6 order is set aside.
- (ii) The trial in S.C.No.903/2022 shall stand deferred till 14.12.2025.
- (iii) The Trial Court shall proceed with the examination of



the remaining prosecution witness from 15.12.2025 to 24.12.2025 or any other date, but conclude the trial by 25.03.2026, as already directed by this Court.

- (iv) If petitioners' counsel files an application for permission to cross-examine the witnesses through the electronic video linkage, the same shall be considered in accordance with the law.
- (v) The prayer to shift the venue of the trial to a court hall on the ground floor of the court complex is rejected.

Sd/-

C.S.DIAS,JUDGE

SCB/dkr



2025:KER:86489

CRL.MC NO. 10110 OF 2025

11

APPENDIX OF CRL.MC 10110/2025

PETITIONER ANNEXURES

Annexure-1	A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 26.09.2023 IN BA 4341/2023
Annexure-2	A TRUE COPY OF THE ORDER DATED 06.12.2024 OF THIS HON'BLE COURT IN B.A.7208/2024
Annexure-3	A TRUE COPY OF THE MEDICAL CERTIFYING OF KUNNUNGAL MEDICITY DATED 01.11.2025
Annexure-4	A TRUE COPY OF THE E- COURT PROCEEDINGS IN S.C NO. 903/2022 IN CRIME 203/2022 BEFORE THE SESSIONS COURT PALAKKAD
Annexure-5	A TRUE COPY OF CMP NO.6298/2025 IN S.C NO. 903/2022 BEFORE THE 1ST ADDITIONAL DISTRICT & SESSIONS COURT, PALAKKAD DATED 03.11.2025
Annexure-6	CERTIFIED COPY OF THE ORDER DATED 04.11.2025 IN CMP NO.6298/2025 IN S.C NO. 903/2022 BEFORE THE 1ST ADDITIONAL DISTRICT & SESSIONS COURT, PALAKKAD
Annexure-7	A TRUE COPY OF THE MEDICAL CERTIFICATE OF ADVOCATE P.S. EASWARAN ISSUED BY THE NHM MEDICAL OFFICER, CHC VALAPPAD DATED 11.11.2025