



2025:KER:50011

WP© (FILING) NO. 33689 OF 2024

1

**'C.R.'**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 8<sup>TH</sup> DAY OF JULY 2025 / 17TH ASHADHA, 1947

WP(C) NO. 33689 OF 2024(FILING NO)

AGAINST THE ORDER DATED 10.06.2024 IN ST NO.2600 OF 2018 OF  
JUDICIAL MAGISTRATE OF FIRST CLASS -I KOTTARAKKARA

PETITIONER/ACCUSED:

ASIF AZAD

BY ADV ASIF AZAD(PARTY-IN-PERSON)

RESPONDENT/COMPLAINANT:

1 JAIMON BABY

2 STATE OF KERALA  
REPRESENTED BY ADDITIONAL CHIEF SECRETARY, HOME  
DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, KERALA, PIN - 695001  
SRI CS HRITHWIK, SR PP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
08.07.2025, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



**C.R.**

**P.V. KUNHIKRISHNAN, J.**

**W.P.(C). (Filing). No.33689 of 2024**

**Dated this the 08<sup>th</sup> day of July, 2025**

**JUDGMENT**

Mr. Asif Asad filed the above case, and he appeared in the case as 'party in person'. The prayers in the writ petition are extracted hereunder:

- i. To issue a writ, order or direction in favour of the petitioner for the facts, reasons and circumstances stated in the accompanying petitions which is duly supported by an affidavit, It is most humbly prayed that in the interest of Natural Justice by restoring the violated constitutional and fundamental rights of Article 14, 20, 21 and 141 of Constitution of India by set-aside Exhibit P 8 and quash Exhibit P 5 of the Complaint Case dated 30.06.2018 lodged by respondent no. 1 registered as ST 2600/2018 under Section 138, Negotiable Instruments Act filed before Hon'ble First-Class Magistrate Court I Kottarakkara, Kollam.
- ii. To issue any other suitable order or direction in the nature to which this Hon'ble Court deems just



proper in favour of the petitioner.

iii. To allow this petition with cost.

*(SIC)*

2. The writ petition was represented after curing the defects with a petition to condone the delay of 40 days in representation. This court issued notice to the 1st respondent on 04.11.2024 in the above delay condonation petition. Notice was returned with an endorsement 'Adressee left'. When this writ petition came up for consideration on 13.06.2025, this Court passed the following order :

"Petitioner will take steps to cure the defect within two weeks. If no steps are taken, Registry will post the matter in the defect list, after two weeks."

3. Today, the petitioner appeared in person online and submitted that, this Court should avoid this writ petition because earlier this Court imposed a cost on the petitioner in another proceeding. The petitioner refused to submit anything else. The imposition of cost in one case will never lead to the imposition of cost in all the cases filed by the petitioner. Each case will be decided based on the merit of that particular case.



A litigant cannot dictate to the Court that the case should be avoided by a Judge. The roster is prepared by the Hon'ble the Chief Justice. The Judge, who is hearing the case, can decide to avoid the case if necessary. But a litigant cannot dictate to the Court to avoid his case by a Judge who is allotted the jurisdiction by the Hon'ble Chief Justice as per the roster. If such a practice is started, the litigants can pick and choose the judge who has to hear their case. The same cannot be allowed. A Judge is bound to hear the cases allotted as per the roster notified by the Hon'ble the Chief Justice. Admittedly, this case is to be heard by this Court as per the present roster. The petitioner is not ready to argue the case before this Court. The submission of the petitioner itself is contemptuous. But I restrain myself from taking any action against the petitioner because the petitioner is appearing in person, and he may not be aware of the decorum of a court of law and the submission to be made in a court of law. But the petitioner had appeared before this court earlier in other cases also. If any such submissions are made in the future, this court will be forced to take action in accordance with the law. As far as the present



2025:KER:50011

WP© (FILING) NO. 33689 OF 2024

5

case is concerned, no steps have been taken to cure the defect as ordered by this Court on 13.06.2025.

Therefore, this writ petition is dismissed for default.

sd/-

**P.V.KUNHIKRISHNAN**  
**JUDGE**

JV