

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Crl.MC.No. 74 of 2015 ()

**IN CMP 10688/2014 of J.M.F.C.,TIRUR
CRIME NO. 154/2012 OF KUTTIPURAM POLICE STATION , MALAPPURAM**

PETITIONER(S)/2ND ACCUSED:

**SHAJAHAN M AGED 29 YEARS
S/O.MOHAMMED ABDUL SALAM, MANASSERY HOUSE
KALPAKANCHERRY P.O., MALAPPURAM DISTRICT-676551.**

**BY ADVS.SRI.SANTHEEP ANKARATH
SRI.ARUN MATHEW VADAKKAN**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE
KUTTIPPURAM POLICE STATION, KUTTIPPURAM-679571
MALAPPURAM DISTRICT.**

R BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1 : TRUE COPY OF THE ORDER DT.29-6-12 IN BA 4106/12 PASSED BY THIS HON'BLE COURT.

ANNEXURE 2: TRUE COPY OF THE DT.18-7-2013 IN CRMC 1737/13 PASSED BY THIS HON'BLE COURT.

ANNEXURE 3 : TRUE COPY OF THE CMP 6002/13 DT.2-8-13 ON THE FILE OF JFCM I TIRUR.

ANNEXURE 4 : TRUE COPY OF THE CMP 10688/14 DT.9-12-14 FILED BY THE PETITIONER BEFORE JFCM I TIRUR.

ANNEXURE 5: TRUE COPY OF THE ORDER DT.20-12-14 IN CMP 10688/14 PASSED BY JFCM TIRUR.

ANNEXURE 6 : TRUE COPY OF THE ORDER DT.21-7-12 IN CRMC 850/12 PASSED BY SESSIONS COURT, MANJERI.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 74 of 2015

Dated this the 16th day of January, 2015.

O R D E R

The petitioner herein is the second accused in a prosecution initiated by the Kuttippuram police under Section 306 IPC. The final report is not yet filed in court. The petitioner is employed abroad, and he wants to join employment there. He made an application before the learned Magistrate to go abroad for two years. But it was disallowed. On an earlier occasion permission for one year was granted by the court below as directed by this court in Crl.M.C 1737/2013. That period of one year will expire on 10.2.2015. He is now here for treatment purposes, and he will have to go back to join his employment. His grievance is that he cannot return to India immediately, and so he seeks a reasonable period of two years to remain there. On hearing both sides I find, that for the time being, the petitioner can be permitted to go abroad for a period of six months, and thereafter the question of extension can be decided after the case is committed to the court of Session. If the trial court is really a heavy court, and if there is no possibility of the case being taken up for trial in the near future, the

petitioner's request for extension can be positively considered by the learned trial judge after the case is committed.

In the result, this petition is allowed in part. Accordingly, the petitioner herein is permitted to go abroad, and to remain abroad for a period of six months from 10.2.2015. He will have to come back and appear in court. His request for further extension will be considered by the trial court, after the case is committed.

P.UBAID,
JUDGE

sab