

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Crl.MC.No. 86 of 2015

IN C.C. NO.2485/2012 (OLD L.P NO.117/2011 IN C.C NO. 1730/2010)
of THE JUDICIAL FIRST CLASS MAGISTRATE COURT II, THRISSUR

CRIME NO. 730/2010 OF ANTHIKAD POLICE STATION , THRISSUR

PETITIONER/2ND ACCUSED:

DIVAKARAN C.K, AGED 49 YEARS,
S/O. KOCHUNNI, CHAZHIKULAM HOUSE, KOTTAPURAM VILLAGE,
KONDANNUR P.O., THRISSUR.

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENT/COMPLAINANT:

STATE OF KERALA
SUB INSPECTOR OF POLICE, ANTHIKKAD POLICE STATION
ANTHIKAD P.O., THRISSUR
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 86 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE ORDER IN CRL.M.C NO.2549/2012 DATED
23.7.2012

ANNEXURE B: COPY OF THE RELEVANT PAGES OF THE PASSPORT DATED
20.2.2006

ANNEXURE C: COPY OF THE AIR TICKET DATED 9.3.2015

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.86 of 2015

Dated this the 8th day of January, 2015

O R D E R

The petitioner is the 2nd accused in C.C No.2485/2012 of the Judicial First Class Magistrate Court II, Thrissur.

2. On the apprehension of arrest, and remand to judicial custody, in execution of a warrant of arrest, and the other steps issued from the trial court, the petitioner seeks orders under Section 482 of the Code of Criminal Procedure, directing the court below to permit him to surrender, and to consider his request for bail, without delay. He also seeks a direction for expeditious disposal of C.C No.2485/2012. Of course a direction for expeditious disposal of the case cannot be now thought of. The petitioner can very well approach the learned Magistrate and make such request. His request for bail will have to be considered by the learned Magistrate, who has issued warrant of arrest for proper and legal reasons. The petitioner's request for a direction to the court below to recall the warrant of arrest cannot now granted because that request

will have to be considered by the learned Magistrate. The petitioner will have to surrender before the trial court and make application for bail afresh. I do not think that the learned Magistrate will mechanically remand him to judicial custody without hearing him regarding his grievance and the explanation for his absence. The learned Magistrate will have to consider his explanation, and the question of granting him bail, on appropriate conditions can be thought of.

In the result, this Criminal Miscellaneous Case is closed with a direction to the court below that in case application for bail is filed by the petitioner, on surrender in C.C No.2485/2012, the same shall be judiciously considered, and appropriate orders shall be passed, on the date of surrender itself, however with notice to the other side.

**P.UBAID
JUDGE**

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