

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Cr1.MC.No. 254 of 2015

IN CC 3/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT -V,
KOZHIKODE

PETITIONER/ACCUSED:

RATHEESH REVINDRAN, AGED 29 YEARS
S/O.REVINDRAN, THALAPOLIMATTATHIL (H)
KUNINJI KODIKUTHI, PURAPUZHA P.O., THODUPUZHA,
IDUKKI DISTRICT - 685584

BY ADV. SRI.P.B.AJOY

RESPONDENT/STATE/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.S.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ab

P.UBAID, J.

Crl.M.C No. 254 of 2015

Dated this the 15th day of January, 2015

O R D E R

The petitioner herein is the 5th accused in C.C No.3/2014 of the Judicial First Class Magistrate Court V, Kozhikode.

2. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court, the petitioner seeks orders under Section 482 of the Code of Criminal Procedure, directing the court below to recall the warrant of arrest and to release him on bail. Of course, the prayer as sought by the petitioner cannot be granted. The learned Magistrate who has issued warrant of arrest for proper and legal reasons will have to consider the petitioner's request and pass appropriate orders. It is submitted that the other accused in the crime are already on bail, and that the petitioner was not in fact aware of the criminal proceeding against him. Of course, his grievance or his explanation, how he happened to be shown as absconding accused, will have to be

considered by the learned Magistrate. I do not think that the learned Magistrate will mechanically remand him to judicial custody without hearing his grievance and without understanding the facts of the case. The petitioner will have to surrender before the learned Magistrate and make application for bail under Section 437 of the Code of Criminal Procedure. Let appropriate decision be taken by the learned Magistrate. However, a direction can be given to the court below to dispose of the application without delay.

In the result, this Criminal Miscellaneous Case is closed with direction to the court below that, if application for bail is filed by the petitioner on surrender in C.C No.3/2014, it 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**

ab