

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Crl.MC.No. 882 of 2015 ()

AGAINST CC 400/2014 of J.M.F.C.,PAYYANNUR
CRIME NO. 1052/2012 OF PAYYANNUR POLICE STATION , KANNUR

PETITIONER/ACCUSED NO.8:

RAFEEQ AGED 20 YEARS
S/O.ABDUL KAREEM, CHERICHERI HOUSE, MATTOOL P.O
THALASSERY.

BY ADV. SRI.ZUBAIR PULIKKOOL

RESPONDENTS/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682 031.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 882 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1. COPY OF THE ORDER DATED 30.10.13 OF JFCM COURT
PAYYANNUR.

ANNEXURE 2. COPY OF THE PETITION CMP 8694/14 BEFORE JFCM COURT,
PAYYANNUR.

ANNEXURE 3. COPY OF THE ORDER DATED 07.01.15.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.882 of 2015**  
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Dated this the 27th February, 2015

ORDER

The petitioner herein is the 8th accused in C.C No.400 of 2014 of the Judicial First Class Magistrate Court, Payyannur. The offences alleged by the prosecution are under Sections 379, 411, 465, 486 and 471 read with 411 of Indian Penal Code. The charge against him is that he received the stolen property from the main accused with the knowledge that it is stolen property. During investigation, he was granted bail on condition that his passport shall be surrendered. Accordingly he surrendered the passport. The Police submitted final report in the crime long back. Trial is yet to commence. Being not a light court, the court will take its own time for commencement of trial. The petitioner has good prospects for a job abroad. He made an application to release his passport as C.M.P. No.8694 of 2014. The learned Magistrate dismissed his application on the ground that he will abscond if the passport is released. This Court has settled the position in

so many decisions. Here is a case where there is no possibility of trial commencing in the near future. The petitioner is a youngster who is desirous of going abroad on good prospects for a job there. He is not the principal offender who committed the alleged offence of theft. It is appropriate that he be allowed to go abroad in search of a job. He is ready to make some security deposit, and it is submitted that he will come back within two years. I do not think that the learned Magistrate will be able to proceed for trial of the case within two years in view of the present pendency there.

In the result, this petition is allowed. The impugned order passed by the court below is set aside and the court below is directed to release the petitioner's passport on his making a security deposit of ₹ 10,000/ (Rupees Ten thousand only). His request is allowed on condition that he will have to come back within two years to face trial.

**Sd/-
P.UBAID
JUDGE**

ma /True copy/

P.S to Judge