

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Crl.MC.No. 884 of 2015 ()

CRIME NO. 61/2012 OF KARUNAGAPPALLY EXCISE RANGE OFFICE , KOLLAM

PETITIONER(S):

**RAJESH KUMAR AGED 35 YEARS
S/O.RAJAPPAN, KATTUNGAL VADAKKATHIL, KOTTAMPALLI MURI
OACHIRA VILLAGE, KARUNAGAPPALLY TALUK
KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S):

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

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 884 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1. COPY OF THE OCCURRENCE REPORT AND MAHAZAR IN CR.61/12
DATED 5.4.12.**

**ANNEXURE 2. COPY OF THE FINAL REPORT SUBMITTED BY THE EXCISE
INSPECTOR, KARUNAGAPPALLY IN CR.61/12 OF KARUNAGAPPALLY EXCISE RANGE
DATED 28.10.14.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 884 of 2015

Dated this the 12th day of February, 2015.

O R D E R

The petitioner herein is the 2nd accused in C.R No.61 of 2012 of the Karunagappally Excise Range, now pending as C.P No.183 of 2014 before the Judicial First Class Magistrate Court, Karunagappally. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below he seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant and to release him on bail. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request to recall the warrant. It is for the court below to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the court below, and make application for bail. He will have to explain the reason for his absence in court, and he will have to explain the circumstance in which the warrant happened to be issued. Anyway, let appropriate decision regarding bail be taken by the learned Magistrate. However, a direction can be made to consider and dispose of the application for bail on the date of surrender itself.

In the result, this petition is closed, with direction to the court below that in case the petitioner makes application for bail on surrender in C.P No.183 of 2014 the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

P.UBAID,
JUDGE

sab