

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Crl.MC.No.1021 of 2015 ()

**AGAINST THE ORDER IN Crl.MC.NOS.5005 & 5009/2014 of HIGH COURT OF KERALA
DATED 15-10-2014**

IN SC 1524/2005 of PRL.ASST.SESIONS COURT, THALASSERY.

PETITIONER(S)/ACCUSED :

**JANARDHANAN THATTIOT @ KUNNUMMEL JANARDHANAN,
KUNNUMMEL HOUSE, P.O.POOKODE, THRIKKANNAPURAM
KOTHUPARAMBA, KANNUR DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A**

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.SEREENA GEORGE.P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

Crl.MC.No. 1021 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

- A1 : TRUE COPY OF THE JUDGMENT DATED 10/7/2009 IN S.C. NO.1524/2005
OF PRL.ASST. SESSIONS COURT, THALASSERY**
- A2 : TRUE COPY OF THE TRIP LOCATOR SHOWING TRAVELLING DETAILS
OF THE PETITIONER**
- A3 : TRUE COPY OF THE CMP NO219/2015 IN C.P NO.103/2014 FILED BY
THE PETITIONER BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KUTHUPARAMBA**
- A4 : TRUE COPY OF THE COMMON JUDGMENT DATED 15/10/2014 IN
CRL.M.C NO.5005/2014 AND 2009/2014 OF THIS HON'BLE COURT**
- A5 : CERTIFIED COPY OF ORDER DATED 13/2/2015 IN CMP NO.219/2015 IN
C.P NO.103/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUTHUPARAMBA**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

P.UBAID, J

Crl.M.C.No.1021 of 2015

Dated this the 2nd day of March, 2015

ORDER

The petitioner herein is one of the accused in Crime No.353 of 1994 of Koothuparamba Police Station. Many of the accused involved in the crime faced trial in the Court of Sessions, Thalassery and obtained a Judgment of acquittal long back. The case against the petitioner herein was split up in the Committal court, when he absconded. His case was later transferred to the register of Long Pending Cases, and it continued in the said register for years. On 9.12.2014, the police arrested him in execution of a warrant of arrest against him, and he was produced before the learned Magistrate having jurisdiction.

2. In the special circumstances he was granted bail on certain conditions. In compliance of the conditions imposed by the court, the petitioner surrendered his passport. Later, he made an application to release the passport to go abroad. He is a person permanently

employed abroad. The learned Magistrate dismissed the petition, on the ground that the petitioner will again abscond and will thus obstruct the trial. The said order dated 13.2.2015 in CMP No.219 of 2015 is under challenge.

3. On hearing both sides, I find that the petitioner's passport can be released on some conditions. True, it is that the crime is of the year 1994. But many of the accused stand acquitted on merits years back. The petitioner went abroad for some job, and thus he could not make appearance in the Court. Now there is a report from the Court of Sessions, Thalassery that the case against the petitioner was committed to the Court of Sessions as per order in CP No.103/2014 of the Committal Court, and the case is now pending as SC.No.157/2015.

4. I find no possibility of the case being taken up for trial in the very near future. If his passport is not released, he will lose the employment abroad, and that will cause heavy loss and hardship to him, which nobody can compensate. It is only appropriate that he be allowed

to go abroad for a short period. The passport can be released on condition that he will have to come back and face trial within a reasonable period. Of course, he will also have to make some security deposit to release the passport. If, during trial, the physical presence of the accused is felt absolutely necessary in the nature of the evidence given by the prosecution, the trial court can insist on his presence.

In the result, this petition is allowed. The trial court is directed to release the petitioner's passport on his making a security deposit of Rs.20,000/-. Orders are granted on condition that the petitioner shall come back to face trial within 18 months.

Sd/-
P.UBAID
JUDGE

/TRUE COPY/

PA TO JUDGE

VS