

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Crl.MC.No.1303 of 2015 ()

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AGAINST THE ORDER IN CC 1012/2014 of J.M.F.C.-II, ERNAKULAM
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PETITIONER(S)/PETITIONER :

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RAJAN T.V., AGED 49 YEARS
S/O. VELU, THINDIYATH HOUSE, ADATT
ANDILAM KAVU, THRISSUR.**

**BY ADVS.SMT.KAVYA P.PRASAD
SRI.S.RAMESH(VAIKOM)**

RESPONDENT(S)/RESPONDENT:

**-----
STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE. P

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

VS

Crl.MC.No.1303 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1- TRUE COPY OF THE SCAN REPORT OF PETITIONER.

ANNEXURE 2- TRUE EXTRACT OF PROCEEDINGS DATED 29-1-2015.

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

P.UBAID, J

Crl.M.C.No.1303 of 2015

Dated this the 3rd day of March, 2015

ORDER

The petitioner herein is the accused in C.C No.1012/2014 of Judicial First Class Magistrate Court-II, Ernakulam. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant. Of course, the relief as sought by the petitioner cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. 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 trial court to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the trial court and make application for bail. He will have to explain the reason for his absence in court. 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.C.No1012/2014, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

Sd/-
P.UBAID
JUDGE

/TRUE COPY/

PA TO JUDGE

VS