

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

Crl.MC.No. 1331 of 2015 ()

CRIME NO. 728/2014 OF KANNAPURAM POLICE STATION , KANNUR

PETITIONER(S)/ACCUSED:

**AJITH KUMAR AGRAWALA AGED 36 YEARS
S/O. MANOHAR AGRAWALA RAMCHANDPUR BAZAR, JADNI PO
KURDHA DISTRICT, ODISHA**

**BY ADVS.SRI.P.R.SREEJITH
SRI.M.PROMODH KUMAR**

RESPONDENT(S)/COMPLAINANT AND STATE:

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

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1331 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1: TRUE COPY OF THE ORDER IN CRL.MP. NO.12 /2015 IN SC 96/2014 OF
SPECIAL JUDGE (FOR NDPS ACT CASES) VADAKARA**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1331 of 2015

Dated this the 17th day of March, 2015.

O R D E R

The petitioner herein is the accused in S.C No. 96 of 2014 before the Special Court (NDPS Act Cases), Vadakara. He is a native of Kurdha District in the State of Odisha. The allegation against him is that he was found possessing nearly 1.5 kg of Ganja. He was granted bail by the learned Special Judge on 12. 01.2015 on certain conditions. The petitioner is aggrieved by one of the conditions that one of the sureties shall be a Keralite. The said condition is sought to be set aside under Section 482 Cr.P.C. On hearing both sides I find no scope or reason to interfere in the condition imposed by the court below. The learned Special Judge imposed such a condition to ensure the petitioner's presence during trial. The Crl.M.C itself shows that the petitioner's brother has some connections in Kerala. If so, he may not find difficult to produce a surety from Kerala. The learned Trial Judge imposed such a condition on the finding that somebody from

Kerala will have to take up the responsibility to produce the petitioner during trial. Now there is a proposal to make cash deposit. What we want is not cash, but the accused to face trial. If such a condition is not there, the trial court may find it difficult to procure his presence, if the accused vanishes during trial. However, I find that a direction can be made to the court below to expedite trial, giving top priority of the case of the petitioner as an under trial prisoner.

In the result, this Crl.M.C is dismissed. However the court below is directed to expedite the trial in S.C No. 96 of 2014, and dispose of the case within the shortest possible period, giving top priority to the case on the consideration that the petitioner is an under trial prisoner.

P.UBAID,
JUDGE