

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

SATURDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Cr1.MC.No. 1415 of 2015

AGAINST L.P NO.101/2012 IN C.P NO.238/2008 OF THE JUDICIAL FIRST
CLASS MAGISTRATE, ADOOR
CRIME NO. 717/2008 OF ADOOR POLICE STATION, PATHANAMTITTA

PETITIONER/ACCUSED:

REMANI, AGED 60 YEARS,
VILAYIL VEEDU, ELAMANNOOR MURI,
ENADIMANGALAM VILLAGE,
PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.K.SASIKUMAR
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY
SRI.V.N.RAJAPPAN
SRI.V.K.PRASAD

RESPONDENT/STATE:

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

BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-03-2010, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1415 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I. COPY OF THE CHARGE SHEET DATED 25.09.2008 FILED BY
THE SUB INSPECTOR OF POLICE, ADOOR POLICE STATION BEFORE THE
HON'BLE JUDICIAL 1ST CLASS MAGISTRATE COURT ADOOR.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

ab

P.UBAID, J.

Crl.M.C No.1415 of 2015

Dated this the 6th day of March, 2015

O R D E R

The petitioner herein is the accused in C.P No.238/2008 which stands transferred to the register of long pending cases as L.P No.101/2012 before the Judicial First Class Magistrate Court, Adoor. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below he seeks 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, or to decide and dispose of his application for bail, without delay. 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 learned Magistrate to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the learned Magistrate 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.P No.238/2008 (now pending as L.P No.101/2012), 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**

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