

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Crl.MC.No. 1427 of 2015 ()

**CRIME NO. 1100/2014 OF MANGALAPURAM POLICE STATION ,
THIRUVANANTHAPURAM**

PETITIONER/COMPLAINANT :

**P. MADHAVAN NAIR, AGED 57 YEARS
S/O.PARAMESWARA PILLAI, KUNNIL PUTHAN VEEDU
VEYILOOR VILLAGE, MURUKKUMPUZHA, TRIVANDRUM.**

**BY ADVS.SMT.K.KUSUMAM
SMT.RENY ANTO
SMT.ASWATHY KUSUMAM**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SHIJU M.
S/O.MOHAMMED HANEEFA,
ANSARI MANZIL, KALLAMBALAM
THIRUVANANTHAPURAM-695605.**
- 3. ABDUL SALAM
S/O.MOHAMMED ABDUL KHADER, NRS VILLA (MP X/205 A)
MANGALAPURAM PANCHAYATH, MURUKKUMPUZHA
THIRUVANANTHAPURAM-695302.**
- 4. RIJA R.
W/O.SHIJU, ANSARI MANZIL, KALLAMBALAM
THIRUVANANTHAPURAM-695605.**

R1 BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1:** TRUE COPY OF PRIVATE COMPLAINT (CMP 4138/2014) FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL BY COMPLAINANT AGAINST THE ACCUSED PERSONS.
- ANNEXURE A2:** TRUE COPY OF THE ORDER IN BA.NO. 6966/2014 BY THIS COURT DATED 2-12-14.
- ANNEXURE A3:** TRUE COPY OF THE PETITION FILED BY THE INVESTIGATING OFFICER, BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL, TO CANCEL THE ALREADY GRANTED BAIL OF THE 2ND ACCUSED.
- ANNEXURE A4:** TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE COMPLAINANT TO THE AFFIDAVITS, BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ATTINGAL FILED BY THE ACCUSED, IN PURSUANT TO THE ANNEXURE A2 BAIL ORDER.
- ANNEXURE A5:** TRUE COPY OF THE ORDER IN CRL.MA 11310/2014 IN CRL.MC. NO. 6971/2014 DT.5-2-15 OF THIS HON'BLE COURT VACATING THE INTERIM ORDER DEFERRING ARREST OF 2ND ACCUSED.
- ANNEXURE A6:** TRUE COPY OF B DIARY OF JUDICIAL FIRST CLASS MAGISTRATE COURT- II, ATTINGAL, IN CRIME NO.1100/2014 OF MANGALAPURAM POLICE STATION.
- ANNEXURE A7:** TRUE COPY OF THE CASE PROCEEDINGS IN CRIME NO.1100/2014 OF MANGALAPURAM POLICE STATION, PENDING BEFORE THE JFCM-II, ATTINGAL, WRITTEN IN THE DUE COURSE, AND KEPT BY THE COUNSEL OF THE COMPLAINANT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P. UBAID, J.

Crl.M.C.No.1427 of 2015

Dated this the 18th day of March, 2015

O R D E R

The petitioner herein is the defacto complainant in crime No.1100/2014 of the Mangalapuram Police Station, Thiruvananthapuram District. The accused in the crime were granted bail by this Court on certain conditions as per the order in Bail Application No.6966/2014. During investigation, the police submitted report before the learned Magistrate alleging violation of bail conditions by the accused, and requesting cancellation of bail on the said ground. Learned Magistrate has not taken decision on the said request. The petitioner/defacto complainant is aggrieved by the said delay, and he seeks orders from this Court directing the court below to expedite consideration of the police report for cancellation of bail. Now, there is a report from the learned Magistrate that as regards some mistake in the description of the properties offered as security by the accused, the additional affidavit filed by the 2nd accused stands accepted as per order in CMP No.125/2015, and that the police request for

cancellation of bail stands posted to 19.03.2015 for hearing. Cancellation of bail or continuance of bail cannot be now the concern of the complaint. This Court has imposed some conditions, and the police has reported violation of such conditions to the learned Magistrate. It will definitely be properly enquired into by the learned Magistrate, and appropriate decision on police report will be taken by the learned Magistrate. I am not inclined to give any direction positively to the court below to take decision within some time frame, on the request of the police. I hope that things will be rightly done by the learned Magistrate, and decision on the police request will be taken, without any delay.

With these observations, this Crl.M.C. is closed.

Sd/-

P. UBAID, JUDGE

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