

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

Crl.MC.No. 1477 of 2015

**ORDER DATED 24.10.2014 IN CRL.M.P.3811/2014 IN S.C.NO.478/2011 OF ADDITIONAL
SESSIONS COURT - VII, ERNAKULAM**

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PETITIONER(S)/SURETY NO.1:

**ABU T.S., AGED 51 YEARS,
S/O. T.S.SINUDEEN, THOPPIL HOUSE, KALLUNGAL LANE,
ALUVA, ERNAKULAM DISTRICT-683 101.**

BY ADV. SRI.P.B.AJOY

RESPONDENT(S)/STATE/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.REMA R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 1477 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A : CERTIFIED COPY OF THE ORDER DTD.24.10.2014 IN CRIMINAL
MP NO.3811/2014 IN SC NO.478/2011 OF THE ADDITIONAL SESSIONS
COURT-VII, ERNAKULAM.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.1477 of 2015

Dated this the 6th day of April, 2015

O R D E R

The petitioner was one of the two sureties for the appellant in criminal appeal No. 1423/2012. He filed Crl.M.P.3811/2014 in the trial court under Section 444 Cr.P.C to discharge him. The learned Sessions Judge did not pass any orders but observed “records sent to Hon'ble High Court for Crl.A.1423/2012 (wrongly shown as 1425/2012) on 23.1.2013 as per R.13/13”. Aggrieved by the refusal to discharge him, the petitioner has filed this petition.

2. Heard the learned counsel and the learned Public Prosecutor.

3. Under Section 444 of the Cr.P.C. a surety of an accused may at any time apply to the court to discharge the bond. It is a right conferred on him by the Code. The learned Sessions Judge should not have refused to act upon the application on the ground that records of the case were

sent to the High Court. The learned Sessions Judge shall comply with Section 444 Cr.P.C. immediately.

In the result, this petition is allowed. The learned Sessions Judge is directed to comply with Section 444 Cr.P.C. and pass appropriate orders. If the bail bond executed by the petitioner has been sent to this court, it shall be immediately sent back to the trial court.

Sd/-
K. ABRAHAM MATHEW
JUDGE

//True copy//

P.A. TO JUDGE

shg/