

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Crl.MC.No. 1519 of 2015

**CMP 288/2015 of JUDICIAL FIRST CLASS MAGIST. COURT, ANGAMALY,
DATED 09-03-2015**

PETITIONER(S)/ACCUSED:

**SURESH MANUAL, AGED 46 YEARS,
S/O.MANI JOSEPH, MALEPPALLIL HOUSE,
PULICKALLU, MANIMALA, KOTTAYAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE/COMPLAINANT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031,
(STATION HOUSE OFFICER, NEDUMBASSERY POLICE STATION,
ERNAKULAM DISTRICT.)**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 1519 of 2015

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE I: COPY OF LOC NO.2015400863

**ANNEXURE II: CERTIFIED COPY OF ORDER DATED 9/3/15 PASSED BY THE JUDICIAL
MAGISTRATE OF FIRST CLASS, ANGAMALY.**

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.UBAID, J.

Crl. M.C No.1519 of 2015

Dated this the 11th day of March, 2015.

O R D E R

The petitioner herein was taken into custody by the Angamaly Police on a look out notice issued from the Haryana Panippatt Chandnibagh Police in Crime No.1088 of 2014 registered under Sections 420 and 506 IPC. The Angamaly police produced him before the learned Judicial First Class Magistrate Court, Angamaly on 9.3.2015. Finding that he is not accused here in any crime, the learned Magistrate directed the Sub Inspector of Police, Nedumbassery to produce the accused before the proper court at the earliest. Finding that his arrest and detention is illegal, this application was filed for appropriate orders including orders quashing the direction to produce before the court at Panippatt. I called for a report through the learned Public Prosecutor in this matter. Now it is submitted by the learned Public Prosecutor on instruction, that the petitioner has already been handed over to the Panippatt police who has come here with the warrant

issued from the proper court. Of course, the proper procedure is not seen complied with in this case. Accused can be arrested here either as part of investigation in a cognizable offence or in execution of warrant of arrest issued from any court. Here there was no such situation, when the petitioner was taken into custody by the Nedumbassery police. Anyway, now it is submitted that the Panippatt police has recorded arrest in execution of warrant of arrest. If so, they will have to produce the petitioner again before the learned Magistrate at Angamaly and obtain a transit warrant. The Sub Inspector of police, Angamaly who initially took the petitioner into custody is hereby directed that he shall ensure production of the accused before the learned Magistrate at Angamaly, and the learned Magistrate is hereby directed that further orders shall be passed only in accordance with the provisions of the Code of Criminal Procedure.

This Crl.M.C is accordingly, closed. Transmit a copy of the order immediately to the concerned.

P.UBAID,
JUDGE