

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. 1742 of 2015

CP 57/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT.-II, PATHANAMTHITTA

PETITIONER(S):

1. **K.C. MATHAI @ THAMBI, AGED 64 YEARS,
S/O.CHAKO, KUNNUR VEEDU, VENNIKULAM P.O.,
PIN-689544. (ACCUSED NO.6).**
2. **ALEX, THOMAS, AGED 44 YEARS,
S/O.K.G.THOMAS, KOCHUPURAKAL (H),
KAVUNGUMPRAYAR P.O., MEMALA,
PIN-689543 (ACCUSED NO.8)**

**BY ADVS.SRI.ASOK M.CHERIAN
SRI.K.JANARDHANA SHENOY**

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P.

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

PJ

APPENDIX

PETITIONERS' ANNEXURES

- A1: A TRUE COPY OF THE FIR.NO.28/12 DATED 16/1/12 REGISTERED BY
KOIPURAM POLICE STATION, PATHANAMTHITTA**
- A2: A TRUE COPY OF THE FINAL REPORT NO.979/14 DATED 30/7/14 SUBMITTED
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT II,
PATHANAMTHITTA**

RESPONDENTS' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P. UBAID, J.

Crl.M.C.No.1742 of 2015

Dated this the 18th day of March, 2015

O R D E R

The petitioners herein are the accused Nos.6 and 8 in C.P.No.57/2014 of the Judicial First Class Magistrate Court-II, Pathanamthitta. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below, they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant and to release them on bail. Of course, the relief as sought by the petitioners 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 petitioners. The petitioners will have to surrender before the learned Magistrate and make application for bail. They will have to explain the reason for their 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 petitioners make application for bail on surrender in C.P.No.57/2014 the same shall be judiciously considered and decided on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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