

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Crl.MC.No. 2222 of 2015 ()

CC. NO.197/2007 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, THIRUVALLA.

PETITIONER/1ST ACCUSED:

**SURENDRAN,
S/O.NARAYANAN, SURAJ BHAVAN, MANNADI,
MINNALAKKARA MUNI, KUTTAPPUZHA VILLAGE.**

**BY ADVS.SRI.P.HARIDAS,
SMT.S.SIKKY.**

RESPONDENTS/STATE AND COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN:682 031.**
- 2. SUB INSPECTOR OF POLICE,
THIRUVALLA-689 101.**

BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE. P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

**The "C.C.No.197/2007" occurring in the cause title of the final order
dtd.7.4.2015 in Crl.M.C.No.2222/2015 is corrected and substituted as
"C.C.No.197/2014" as per order dtd.8.5.2015 in Crl.M.a.No.3862/2015 in
Crl.M.C.No.2222/2015.**

SD/-

ASSISTANT REGISTRAR

Crl.MC.No. 2222 of 2015

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE 1: TRUE COPY OF THE FIR NO.359/2006 AND FINAL
REPORT IN CC NO.197/2007 DATED 28.02.2007.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

P.UBAID, J.
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**Crl.M.C No.2222 of 2015**  
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Dated this the 7th April, 2015

ORDER

The petitioner herein is the first accused in C.C No.197 of 2007 of the Judicial First Class Magistrate's Court, Thiruvalla. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant. The learned Magistrate who has issued warrant of arrest for proper reasons will have to consider the request. It is for the court below to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the trial court and make application for bail. He will have to explain the reason for his absence in court. Anyway, let appropriate decision 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. The fact that the other accused stand acquitted on trial, will be

considered by the learned Magistrate in taking decision on the request for bail.

In the result, this petition is disposed of with direction to the court below that in case the petitioner makes application for bail on surrender in C.C No.197 of 2007, 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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“C.C No.197 of 2007” occurring in line 2 of paragraph 1 and line 3 of last paragraph of the final order dated 07/04/2015 in Crl.M.C 2222/2015 is corrected and substituted as “C.C No.197/2014” vide order dated 08/05/2015 in Crl.M.A 3862/2015 in Crl.M.C 2222/2015.

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**P.UBAID
JUDGE**