

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

Crl.MC.No.2712 of 2015 ()

**IN LP 119/2010 of J.M.F.C.-II, ERNAKULAM
CRIME NO. 42/1999 OF CHERANELLUR POLICE STATION , ERNAKULAM**

PETITIONER/ACCUSED :

**SANIL, AGED 47 YEARS
S/O. ANTONY, CHAKKALAKKAL HOUSE, C/O. VASUDEVAN,
MULAVUKAD, ERNAKULAM DISTRICT**

**BY ADVS.SRI.SHERRY J. THOMAS
SRI.K.S.JIJO**

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
22-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VS

Crl.MC.No.2712 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1 : THE PHOTOCOPY OF THE FINAL CHARGE SUHMITTED
BEFORE THE MAGISTRATE COURT IN CRIME NO. 42/1999 OF
CHERANELLUR POLICE STATION**

**ANNEXURE A2 : THE TRUE COPY OF THE ORDER OF SESSIONS COURT IN
CRLMC 829/2015 DATED 10.4.2015**

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

PA TO JUDGE

VS

ALEXANDER THOMAS, J

Crl.M.C.No.2712 of 2015

Dated this the 22nd day of May, 2015

ORDER

This Criminal M.C. has been instituted under Section 482 of the Code of Criminal Procedure seeking the invocation of the inherent powers conferred on this Court with the following prayer :

“This Hon'ble Court may be pleased to direct the JFCM II Ernakulam to release the petitioner on bail in Crime No.42/1999 Cheranellur Police Station on the same day of appearance, and recall the warrant and grant such other reliefs this Hon'ble Court may be pleased to grant according to the facts and circumstances of the case.”

2. Heard Sherry J. Thomas, the learned counsel for the petitioner and Smt.Hyma, the learned Public Prosecutor for the respondent, State of Kerala.

3. Having heard both sides and taking into consideration the totality of the facts and circumstances of the case, it is ordered in the interest of justice that in

case the petitioner voluntarily surrenders before the Chief Judicial Magistrate Court concern (Judicial First Class Magistrate Court-II, Ernakulam) dealing with L.P.No.119/2010 arising out of Crime No.42/1999 (Cheranellur Police Station), without any further delay and moves application for recall of the warrant and application for grant of bail, then the jurisdictional magistrate concerned shall consider those applications on the same day itself, in accordance with law and after taking into consideration the relevant of the facts and circumstances of the case. It is further ordered in the interest of justice that further coercive proceedings that may be initiated against the petitioner in pursuance of the execution of the impugned warrant, will be kept in abeyance, until further orders are passed by the jurisdictional magistrate concern as directed above. It is further made clear that in case the petitioner does not surrender before the jurisdictional magistrate concerned, as directed above within 1 week from the date of the issuance of the certified copy of this order, then this aforementioned directions issued above

will automatically vacated.

With these observations and directions, this Criminal M.C. will stands finally disposed of.

Sd/-
ALEXANDER THOMAS
JUDGE

VS