

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

Crl.MC.No. 2787 of 2015 ()

**[CC 465/2014 of JUDICIAL FIRST CLASS MAGIST. COURT, KOOOTHATUKULAM
(TEMPORARY)]**

PETITIONER(S)/ACCUSED:

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- 1. JOSEKUTTY JAMES AGED 40 YEARS
S/O.VARKEY CHACKO, THURUTHIKKARAYIL HOUSE, ANDOOR KARA
ELACKADU VILLAGE, KOTTAYAM DISTRICT.**
 - 2. AJITHKUMAR AGED 44 YEARS
S/O.GOPALAN, KUZHIKKAL HOUSE, MARANGATTUPILLIKARAYIL
ELACKADU VILLAGE, KOTTAYAM DISTRICT.**
 - 3. V.A.SATHYAN ALIAS CHERIYA SATHYAN
S/O.ACHUTHAN, KANJIRAMKUDI THARAPPIL HOUSE
MARANGATTUPILLY, KOTTAYAM DISTRICT.**
 - 4. V.K.SATHYAN ALIAS VALIYA SATHYAN AGED 48 YEARS
S/O.KRISHNAN, KADAKKOTTU VEETIL, ANDOOR KARA
KURICHITHANAM VILLAGE, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SRI.A.S.RAJENDRAN NAIR
SMT.P.R.REENA**

RESPONDENT(S)/STATE AND COMPLAINANT:

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- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.**
 - 2. SUB INSPECTOR OF POLICE
KOOOTHATTUKULAM POLICE STATION, ERNAKULAM DISTRICT
PIN-683031.**

BY PUBLIC PROSECUTOR SRI.THOMAS JOHN AMBOOKEN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12-05-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.M.C.No. 2787/2015

**APPENDIX **

PETITIONER(S)' EXHIBITS

Anx. I COPY OF THE FINAL REPORT BEFORE THE JFCM COURT,
MUVATTUPUZHA IN CR.NO.151/2008.

RESPONDENT(S)' EXHIBITS:

NIL.

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///True copy///

P.S. to Judge

ALEXANDER THOMAS, J.

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Crl.M.C.No.2787 of 2015

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Dated this the 12th day of May, 2015

O R D E R

The petitioners are accused Nos.1 to 4 in Crime No.151/2008 of Koothattukulam Police Station. It is stated that the petitioners were earlier released on bail and that they had executed bail bonds before the Judicial First Class Magistrate's Court, Muvattupuzha. That on the basis of Anx.-I final report, the petitioners were summoned before the said Magistrate's Court in Calender Case C.C.No.600/2008. Thereupon, the petitioners had appeared and released on bail. That charges were framed on the basis of Anx.-I and the petitioners were appearing before the said Magistrate's Court, Muvattupuzha, regularly. It is further submitted that the case was transferred later from the Judicial First Class Magistrate's Court, Muvattupuzha to the Judicial First Class Magistrate's Court, Koothattukulam. According to the petitioners, they had never received notices from Judicial First Class Magistrate's Court, Koothattukulam, about the transfer of the case to that court and

that they were under the bona fide belief that they will be issued notices and informed about the posting by the Judicial First Class Magistrate's Court, Koothattukulam. That now the Police authorities have enquired about the petitioners and now the petitioners have learnt that the earlier Calendar Case has been transferred to the Judicial First Class Magistrate's Court, Koothattukulam and re-numbered as C.C.No.465/2014 on the file of the latter court. Since the petitioners have not appeared before the Judicial First Class Magistrate's Court, Koothattukulam, non-bailable warrants have been issued to the petitioners and the case is now posted to 15.5.2015. It is in the light of these aspects that the petitioners have filed the present Criminal Miscellaneous Case with the following prayers:

- "i) direct the Judicial First Class Magistrate Court, Koothattukulam to consider and pass orders on the bail application in C.C.No. 465/2014 on the date on which the petitioners appear and file bail application.
- ii) direct the Judicial First Class Magistrate Court, Koothattukulam to withdraw the non bailable warrant issued against the petitioners in C.C.No. 465/2014, which is transferred to that court from Judicial First Class Magistrate Court, Moovattupuzha, which was numbered in that court as C.C.No. 600/2008."

If, as a matter of fact, the petitioners have not received notices from the Judicial First Class Magistrate's Court, Koothattukulam,

after the institution of the Calendar Case C.C.No. 465/2014 on the file of that court, then it is only in the interest of justice that the above said prayers of the petitioners are to be considered.

Heard the learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondents.

After having heard both sides and on consideration of the facts and circumstances of this case, it is ordered in the interest of justice that in the event of the petitioners surrendering before the Judicial First Class Magistrate's Court, Koothattukulam, without any delay and submitting bail applications on their behalf, then it is directed that the said Magistrate's Court shall consider those bail applications on the same day itself in accordance with law and shall consider all the relevant aspects of the matter as may be urged by the petitioners and pass appropriate orders thereon. It is further ordered in the interest of justice that until orders are passed by the Magistrate's court concerned as stated above, the impugned warrant proceedings against the petitioners will be recalled. It is further made clear that in case the petitioners do not appear and surrender before the court below concerned within a period of one week from the date of issuance of certified copy of this order, then the

aforementioned directions will stand automatically withdrawn.

With these observations and directions, the Criminal
Miscellaneous Case stands finally disposed of.

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge