

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

Crl.MC.No.2884 of 2015 ()

CC 323/2013 of C.J.M.,THRISSUR

PETITIONERS/ACCUSED 1 & 2:

1. M/S.SANTHIMADOM BUILDERS AND DEVELOPERS TRUST
NORTH PARAVUR, REPRESENTED BY ITS CHAIRMAN
V.N.RADHAKRISHNAN, AGED 64, S/O.NARAYANAN, SANTHIMADOM
NORTH PARAVUR, ERNAKULAM DISTRICT, PIN-683 513.
2. V.N.RADHAKRISHNAN AGED 64 YEARS
S/O.NARAYANAN, SANTHIMADOM, NORTH PARAVUR
ERNAKULAM DISTRICT, PIN-683 513.

BY ADV. SRI.V.A.PRADEEP KUMAR

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

ANNEXURE A1- TRUE COPY OF THE COMPLAINT IN C.C.NO.323 OF 2013 ON THE
FILE OF THE CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR.

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE.

ALEXANDER THOMAS, J.

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Dated this the 21st day of May, 2015.

ORDER

The petitioners herein are the accused Nos.1 & 2 in C.C.No.323/2013 on the file of the Chief Judicial Magistrate Court, Thrissur. On apprehension of arrest and remand of judicial custody in execution of the warrant of arrest issued from the court below concerned, they seek orders from this Court by invoking the inherent powers conferred on this Court under Sec. 482 of the Cr.P.C to direct the court below concerned to recall the warrant and to release them on bail or to decide and dispose of the application for bail on the same day of surrender before the court below.

2. The court below concerned which had issued the warrant of arrest if any will have to consider the request to recall the warrant and it is for that court to decide whether bail could be granted to the 2nd petitioner. Learned counsel for the petitioner submits that the 2nd petitioner will surrender before the court below without any further delay and make appropriate application for recall of non bailable

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warrant and also application for grant of bail. It is for the 2nd petitioner to explain the reasons of his absence in the court below and explain the circumstances under which the warrant happened to be issued and it is for the court below to consider these aspects and also consider the application for bail and the issue of releasing him on bail on appropriate condition that may be deemed fit and necessary by the court below and appropriate decision regarding bail will have to be taken by the court below concerned.

3. Accordingly, this Crl.M.C is disposed of with a direction that in case the 2nd petitioner surrenders before the court below concerned without any further delay, at any rate, within a period of ten days from the date of issuance of a certified copy of this order and submit necessary application for recall of warrant and also application for grant of bail, then it is for the court below concerned to take a decision thereon in accordance with law as indicated above. In the interest of justice, it is ordered that until such a decision is taken by the court below, further coercive steps in pursuance of the warrant said to be issued against the 2nd petitioner will be kept in abeyance. It is further made clear that if the petitioner does not voluntarily surrender

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before the court below concerned within the aforementioned ten days from the date of issuance of a certified copy of this order, then the directions issued herein will stand automatically vacated.

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

ALEXANDER THOMAS,
Judge.

bkn/-