

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 3RD DAY OF SEPTEMBER 2015/12TH BHADRA, 1937

Crl.MC.No. 2973 of 2015

PETITIONER(S)/ACCUSED:

**K.M.JACOB, AGED 47 YEARS,
D/O.LATE MATHAI, KOORAYIL VEEDU, VALAKAM P.O.,
KOTTARAKKARA, KOLLAM DISTRICT.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. CIRCLE INSPECTOR OF POLICE, THIRUVALLA,
PATHANAMTHITTA DISTRICT-689 645.**
- 3. T.G.SAMUEL,
S/O.T.D.GEORGE, THANNICKAL HOUSE, OTHARA EAST,
ERAVIPEROOR VILLAGE,
PATHANAMTHITTA DISTRICT-689 645.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT.PMAYA
R3 BY ADV. SRI.C.B.SREEKUMAR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1 : TRUE COPY OF THE COMPLAINT IN ST.NO.2327/2010 OF THE
JUDICIAL FIRST CLASS MAGISTRATE COURT-II, PATHANAMTHITTA.**

**ANNEXURE A2 : TRUE COPY OF THE PETITION FILED BEFORE THE JUDICIAL FIRST
CLASS MAGISTRATE COURT-II, PATHANAMTHITTA IN
CMP.NO.2345 A/2015 IN ST.NO.2327/2010.**

**ANNEXURE A3 : TRUE COPY OF THE OBJECTION FILED BY THE 3RD RESPONDENT
IN CMP.NO.2345 A/2015.**

**ANNEXURE A4 : TRUE COPY OF THE ORDER IN CMP.NO.2345 A/2015 IN
ST.NO.2327/2010 BEFORE THE JFMC-II, PATHANAMTHITTA
DATED 7-5-2015.**

RESPONDENT(S)' ANNEXURES:

**ANNEXURE R3(a): TRUE COPY OF THE PROCEEDINGS SHEET IN ST.NO.2327 OF 2010
ISSUED FROM JUDICIAL FIRST CLASS MAGISTRATE COURT - II,
PATHANAMTHITTA.**

//TRUE COPY//

P.S.TO JUDGE.

Msv/

B. KEMAL PASHA, J.

Crl. M.C. No. 2973 of 2015

Dated this the 03rd day of September, 2015

ORDER

The petitioner is the accused in S.T. No.2327/2010 of the Judicial First Class Magistrate's Court-II, Pathanamthitta for the offence punishable under Section 138 of the Negotiable Instrument Act.

2. He was being represented by the court below through his counsel. Finally, when the matter reached the stage of his examination under Section 313 of Cr.P.C, the court below wanted his presence. It seems that thereafter, he did not care to appear and pursuant to that non- bailable warrant was issued by the court below. Subsequently, the petitioner filed an application before the court below seeking permission to get him examined under Section 313 Cr.P.C., through his counsel. Vide Annexure-A4 order, the court

below dismissed the application.

3. It seems that right from 17.02.2014, the court below was awaiting the presence of the petitioner for his examination under Section 313 Cr.P.C. Whatever it is, the learned counsel for the petitioner has presently submitted that the petitioner will appear on the next posting date of the case for enabling the court below to examine him under Section 313 Cr.P.C. In case of his appearance before the court below on the next posting date, the court below shall consider his application seeking bail and dispose of the same on the same day itself.

With the above observations, this Crl.M.C. is disposed of.

Sd/-
B. KEMAL PASHA,
JUDGE