

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Crl.MC.No. 3006 of 2015

ST 91/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOYILANDY

PETITIONER(S)/ACCUSED:

**SATHYANARAYANAN NAMBOOTHIRI, AGED 42 YEARS,
S/O.NARAYANAN NAMBOOTHIRI,
RESIDING AT PEESHPPILI MANA, PORAVUR, KARIKKADU P.O.
TALAPPILLY THALUK, THRISSUR.**

BY ADV. SRI.A.CHANDRA BABU

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**
- 2. MAHESH.M,
S/O.BABU, KANIYARAKKAL THAZHAM, ERANHIKKAL P.O.,
KOZHIKODE-673501.**
- 3. BEENA KUMARI.A,
D/O.GOVINDAN NAMBOOTHIRI, AMBILI ILLAM
VILLIYAPILLI ROAD, KADAMERI P.O., VADAKARA-673525.**

R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

ANNEXURE-1: TRUE COPY OF THE ADVOCATE NOTICE DATED 16.02.2011.

**ANNEXURE-2: TRUE COPY OF THE AGREEMENT BETWEEN THE PETITIONER AND
MR.BIJU DATED 04.01.2008.**

**ANNEXURE-3: TRUE COPY OF THE REPLY NOTICE DATED 04.03.2011 ISSUED TO THE
2ND RESPONDENT.**

**ANNEXURE-4: TRUE COPY OF THE COMPLAINT FILED BY THE 2ND RESPONDENT AS
S.T.NO.91/2012 BEFORE THE JFMC-II, KOILANDY.**

**ANNEXURE-5: TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER AGAINST
2ND AND 3RD RESPONDENT BEFORE THE JFMC KUNNAMKULAM AS
CMP NO.2106/2014.**

**ANNEXURE-6: TRUE COPY OF THE CMP NO.48/2015 DATED 19.05.2015 FILED BY THE
PETITIONER'S COUNSEL BEFORE THE JFMC-II KOILANDY.**

**ANNEXURE-7: CERTIFIED COPY OF THE ORDER DATED 19.05.2015 PASSED IN CMP
NO.48/2015 BY THE JFMC-II, KOILANDY.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3006 of 2015

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Dated this the 4th day of June, 2015

O R D E R

The above captioned Crl.M.C. has been filed under Sec.482 of the Code of Criminal Procedure with the following prayers:

- “i. to Set aside Annexure-7 order passed in CMP No.48/2015 in S.T.No.91/2012 on the file of the Hon'ble Judicial First Class Magistrate Court-II, Koilandy as against the petitioner herein and all further proceedings initiated pursuant thereto.
- ii. Issue such orders or directions to the Judicial First Class Magistrate Court-II, Koilandy to, grant sufficient time to produce his defence witness Mr.Biju to prove the petitioners case.”

2. Heard Sri.Nemom Chandra Babu, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. Having regard to the totality of the facts and circumstances of this case, it is ordered in the interest of justice that in case the petitioner voluntarily surrenders before the Judicial First Class Magistrate's Court-II, Koyilandy, dealing with the aforementioned case, within twenty days from today and submits necessary application for recall of the warrant and application for

grant of bail, then the above said Magistrate's court shall consider those applications on the same day itself, in accordance with law and taking into consideration the facts and circumstances of the case. It is further ordered that the petitioner shall give advance notice to the Prosecutor concerned attached to the court below concerned intimating the date and time of surrender before the court below, at least 24 hours prior to such proposed surrender. It is further ordered in the interest of justice that until orders are passed by the court below concerned as directed above, the interim stay order granted by this Court in Crl.M.A.No.4869/2015 in this case will continue. It is made clear that in case the petitioner does not surrender before the court below concerned within a period of twenty days as directed above, then the directions issued herein above shall stand automatically vacated. It is made clear that it is entirely within the province of the court below concerned to decide on the application for bail, in accordance with law.

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

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

Cr1.M.C.3006/15

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