

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

Crl.MC.No. 3074 of 2015

CC 24/2015 OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM.

PETITIONER/ACCUSED:

**SATHYASEELAN J, AGED 59 YEARS,
S/O. JANARDANAN, T.C NO. 19/1646,
KARUNA (H), THAMALAM,
THIRUMALA VILLAGE, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
(CRIME NO. 1564/2014 OF ERNAKULAM
DISTRICT POLICE STATION ERNAKULAM DISTRICT)**

BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28-05-2015 ALONG WITH CRMC.3075/2015 & CRMC.3076/2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

mbr/

ALEXANDER THOMAS, J.

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Crl.M.C.Nos.3075, 3076 & 3074 of 2015

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Dated this the 28th day of May, 2015

O R D E R

These three Criminal Miscellaneous Cases have been instituted by the same petitioner, who is the accused in Calendar Cases viz, C.C.Nos.5/2015, 23/2015 and 24/2015 pending on the file of the Chief Judicial Magistrate Court, Ernakulam for offences alleged under Secs.403, 406 and 420 r/w Sec. 34 IPC. The common prayer in each of the Crl.M.Cs is for an order to direct the learned Chief Judicial Magistrate Court, Ernakulam to recall the non-bailable warrant pending against the petitioner in these respective calendar cases and to direct the said learned Chief Judicial Magistrate to consider and dispose of the bail application of the petitioner to be filed in each of these cases separately on the date of surrender before the court below on the ground that no summons was served on the petitioner, etc.

2. Heard Sri.S.Rajeev and Sri.K.K.Dheerendra Krishnan, learned counsel appearing for the petitioner in these cases, as well as learned Additional State Prosecutor appearing for respondent–

State in each of these cases.

3. After having heard both sides and taking into account the totality of the facts and circumstances of these similar cases, it is ordered in the interest of justice that in the event of the petitioner surrendering before the Chief Judicial Magistrate Court, Ernakulam in each of these calendar cases without any further delay and on the petitioner filing necessary application for recall of the warrant and application for grant of bail separately in each of these three calendar cases, then the learned Chief Judicial Magistrate shall consider those applications in each of these cases on the same day of surrender itself, in accordance with law and taking into consideration the facts and circumstances of these cases. This is subject to the condition that the petitioner shall serve advance notice regarding these applications to the learned prosecutor appearing on behalf of the respondent-State in each of these calendar cases before the court below and it is subject to further condition that the petitioner shall so voluntarily surrender as undertaken by him within an outer time limit of two weeks from today, failing which, the directions issued by this Court in these cases will stand automatically vacated. Subject to compliance of

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these conditions, it is further ordered in the interest of justice that further coercive proceedings that may be initiated against the petitioner in execution of the impugned warrants in these cases will remain suspended until the learned Chief Judicial Magistrate, Ernakulam takes a decision on the applications as aforesated.

With these observations and directions, the CrI.M.Cs stand finally disposed of.

sd/-
ALEXANDER THOMAS, JUDGE
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P.S. to Judge