

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Crl.MC.No. 3222 of 2015

**LP 160/2014 OF LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD
ARISING FROM C.C.NO.202/2007 OF LEARNED JUDICIAL FIRST CLASS MAGISTRATE
COURT, CHAVAKKAD**

CRIME NO. 499/2004 OF CHAVAKKAD POLICE STATION, TRISSUR
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PETITIONER(S)/ACCUSED:

**MUSTHAF A, AGED 37 YEARS,
S/O.HASSAN, PRATTUVALAPPIL PARAVOORAYIL HOUSE,
NEAR KORANJIYOOR TEMPLE, PONNAYOOR, THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT(S)/STATE:

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

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
03-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 3222 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

ANNEXURE A: TRUE COPY OF THE JUDGMENT DTD.31.12.2013 IN CC.NO.202/2007

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3222 of 2015

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Dated this the 3rd 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:

- “1. Direct the Learned J.F.C.M, Chavakkad to recall the non-bailable warrant issued against the petitioner in L.P.No. 160/2014 of the Learned J.F.C.M., Chavakkad arising from C.C.No. 202/2007 of Learned J.F.C.M., Chavakkad arising from Crime No. 499/2004 of the Chavakkad Police Station.
2. Direct the learned J.F.C.M., Chavakkad to consider the application for bail moved by the petitioner on the date of surrender itself.”

2. Heard Sri.Rajit, 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, Chavakkad, without any further delay and submits necessary application for recall of the warrant and application for grant of bail, then the above said Magistrate court

shall consider those applications on the same day itself, in accordance with law and taking into consideration the facts and circumstances of this 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, further coercive steps against the petitioner may be kept in abeyance for the time being. It is made clear that in case the petitioner does not surrender before the court below concerned within a period of two weeks from today, 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

