

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

CrI.MC.No. 3225 of 2015 ()

CC 229/2014 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

PETITIONER/IST ACCUSED :

**EMIL.K.JOHN, AGED 40 YEARS,
S/O.LATE JOHN, R/A.MANPURACKAL HOUSE, AMBALAPARA ROAD,
PALACHUVADU, KAKKANADU, COCHIN 682031**

BY ADV. SRI.K.K.JAYARAJ NAMBIAR

ESPONDENT/COMPLAINANT :

**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 03-06-2015 ALONG WITH CRL.MC.NO. 3227/2015 & CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

bp

ALEXANDER THOMAS, J.

Crl.M.C.Nos.3225, 3228, 3234, 3227,
3230, 3231, 3232, 3233, 3235,
3236, 3237, 3238 and 3239 Of 2015.

Dated this the 3rd day of June, 2015.

ORDER

The petitioner is the 1st accused in nine separate Criminal Cases viz, C.C.Nos.229/2014 and 210/2014, Crime No.2355/2014 of Central Police Station, Ernakulam, C.C.Nos.209/2014, 24/2015, 206/2014, 23/2015, 107/2015, 5/2015, 207/2014, 228/2014, 226/2014 and 208/2014 on the file of the Chief Judicial Magistrate Court, Ernakulam seeking the prayer that necessary orders and directions may be granted by this Court in the matter of consideration of his application for recall of warrant and application for grant of bail consequent to his surrender before the said Magistrate Court.

2. Having heard Sri.K.K.Jayaraj Nambiar, learned counsel for the petitioner in all these CrlM.Cs and the learned Public Prosecutor appearing for the respondent-State of Kerala, in the interest of justice it is ordered as follows:

Cr1.M.C.Nos.3225, 3228, etc.,

In case the petitioner surrenders before the Chief Judicial Magistrate Court, Ernakulam in these 13 separate cases, within a period of 15 days from today and make necessary supporting applications for recall of warrant and separate applications for grant of bail, the learned Magistrate shall consider those applications on the same day itself on merits and pass necessary orders thereon in accordance with law and taking into account the facts and circumstances of these cases, after affording an opportunity of being heard to the learned Prosecutor concerned in these matters before the court below. It is further ordered that the petitioner cause to serve advance notice in all those applications in all these cases to the learned Prosecutor concerned attached to the court below concerned at least 48 hours prior to such proposed surrender before the court below. Subject to compliance of these directions it is also ordered in the interest of justice that until the learned Chief Judicial Magistrate passes orders on the above said applications as directed above in these cases, further coercive proceedings that may be pending against the petitioner in pursuance to the impugned warrants in these cases may be kept in abeyance. It is further made clear that if the petitioner does not voluntarily surrender before the Chief Judicial Magistrate Court, Ernakulam in these cases as

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Cr1.M.C.Nos.3225, 3228, etc.,

directed above, then the aforementioned directions issued herein above will stand automatically vacated. It is made clear that it is entirely within the exclusive and sole province of the learned Chief Judicial Magistrate to consider those applications and take a decision thereon in accordance with law.

With these observations and direction the Cr1.M.Cs stand finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-