

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937**

**Crl.MC.No. 3435 of 2015 ()**

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LP.NO. 75/2001 (CC NO. 230/2000) OF JUDICIAL FIRST CLASS MAGISTRATE COURT,  
SASTHAMCOTTA  
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**PETITIONER/ACCUSED :**  
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**P.V. JOY,  
S/O.VARGHESE, AGED 56 YEARS  
THOYITHALAYIL VEEDU, ARINALLOOR MURI  
THEVALAKKARA VILLAGE, KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SIJU  
SMT.S.SEETHA  
SMT.NIMA JACOB**

**RESPONDENT/STATE :**  
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**STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR  
HIGH COURT OF KERALA.**

**BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 10-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Mn**

ALEXANDER THOMAS, J.

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Crl.M.C.No. 3435 of 2015

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Dated this the 10<sup>th</sup> 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:

“..... to direct the Judicial First Class Magistrate Court, Sasthamcotta to recall the warrant in L.P.No.75/2001 (C.C.No. 230/2000) issued against the petitioner and to consider his bail application on the day of his surrender itself in the light of the principles laid down by this Hon'ble Court in Biju v. State of Kerala (2007(2) KLT 280.”

2. Heard Sri.Siju Kamalasanan, 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–I, Sasthamcotta, dealing with the aforementioned case, within three weeks 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 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 three weeks as directed above, then the directions issued herein above shall automatically stand 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