

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Crl.MC.No. 4012 of 2015

CC 329/2013 OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM

PETITIONER(S)/ACCUSED NO.1:

**THOMASKUTTY JOHN, AGED 33 YEARS
S/O.P.M. JOHNY, PERUMBIL VEETIL, MUTHALAKUDAM KARAYIL,
PAZHUKKAKULAM.**

BY ADV. SRI.P.A.MUJEEB

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 09-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

CRL.M.C.No.4012 of 2015

Dated this the 9th day of July, 2015

ORDER

Petition filed under Section 482 Cr.P.C.

2. Petitioner is the accused in CC.No.329/2013 on the file of the Chief Judicial Magistrate Court, Ernakulam. The court has issued a non bailable arrest warrant against him. The prayer is to direct the Magistrate to recall the warrant and to release him on bail on the date on which he surrenders before the court.

3. Heard.

4. Non bailable arrest warrant was issued against the petitioner as he failed to appear before the court. An arrest warrant issued in accordance with the provisions of the Cr.P.C cannot be recalled. This Court cannot interfere with the discretion of the Magistrate in deciding when or how an application should be disposed of.

sd/-

**K. ABRAHAM MATHEW
JUDGE**

R.AV

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PA to Judge