

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

Crl.MC.No.4059 of 2015

**CC NO.67/2011 of JUDICIAL FIRST CLASS MAGISTRATE COURT,THALASSERY.
CRIME NO.326/2003 OF THALASSERY POLICE STATION,KANNUR.**

..

PETITIONER/ACCUSED NO.1:

**UPPALAKANDI ASLAM,S/O.ABOOBACKER,
'NAJIGAR',PETTIPALAM,P.O.PUNNOL,THALASSERY,
KANNUR DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.N.SURESH.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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Crl.MC.No.4059 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE A:TRUE COPY OF THE JUDGMENT DATED 5.2.2011 IN
C.C.NO.614/2003 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
THALASSERY.**

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4059 of 2015

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Dated this the 2nd day of July, 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, Thalassery to recall the warrant pending against the petitioner in L.P.No.174/2012 and consider the Bail Application to be filed by the petitioner on the date of his surrender itself in L.P.No.174/2012 (C.C.No. 67/2012) and to release him on bail, so as to secure the ends of justice.”

2. Heard Sri.C.P.Peethambaran, 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, Thalassery, (dealing with L.P.No.174/2012), within two 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 two 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

