

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. 4233 of 2015

CC 270/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT -II, KANNUR

CRIME NO. 189/2009 OF VALAPPATANAM POLICE STATION, KANNUR
.....

PETITIONER(S)/1ST ACCUSED:

**IMTHIYAS UMMAR KASHAKKAI,
S/O.UMMER ABOOBACKER, AGED 44 YEARS,
HAVVABAIZ, PULOPPI, KOTTALI P.O.,
KANNUR DISTRICT.**

**BY ADVS.SRI.SIJU KAMALASANAN
SRI.A.MUHAMMED RAFFI
SMT.S.SEETHA**

RESPONDENT(S):

**STATE OF KERALA THROUGH SUB INSPECTOR OF POLICE,
VALAPATTANAM POLICE STATION, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE 1: THE COPY OF PRIVATE COMPLAINT IN CRIME NO.189/2009 OF
VALAPATTANAM POLICE STATION.**

**ANNEXURE 2: THE COPY OF FIR IN CRIME NO.189/2009 OF VALAPATTANAM POLICE
STATION.**

**ANNEXURE 3: THE COPY OF FINAL REPORT IN CRIME NO.189/2009 OF
VALAPATTANAM POLICE STATION.**

**ANNEXURE 4: THE COPY OF JUDGMENT IN CC NO.281/2010 ON THE FILE OF JFMC-II,
KANNUR DATED 25.2.2014.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.4233 of 2015

Dated this the 9th day of July 2015

ORDER

Petition filed under Sec.482 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.189 of 2009 of Valapattanam Police station registered for the offences under Secs.498A and 506(ii) read with Sec.34 of the Indian Penal Code. As he failed to appear before the court, the case against him was split up by the Judicial First Class Magistrate-II, Kannur in whose court the case was pending and the case against the other accused was proceed with. The case against the petitioner was refiled as C.C. No.270 of 2014.

3. Heard.

4. Learned counsel submits that the petitioner is ready to surrender before the trial court. His prayer is to direct the learned Magistrate to recall the warrant and consider the bail application that may be filed by him on the same day.

5. It is not proper for this court to interfere with

the discretion of the learned Magistrate. No direction can be issued to recall the warrant which was issued in accordance with the provisions under the Code of Criminal Procedure. If the petitioner had not been released on bail before he absconded, the learned Magistrate may take it into account while passing an order on the bail application that may be filed by him.

In the result, this Crl.M.C. is dismissed.

Sd/-
K.ABRAHAM MATHEW
JUDGE

/ True Copy/

NS

P.A. To Judge