

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Crl.MC.No. 4323 of 2015 ()

**(CMP.NO. 2261/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I,
KARUNAGAPPALLY)**

**CRIME NO. 65/2009 OF OACHIRA POLICE STATION IN CBCID CRIME
NO.44/CR/51/09, KOLLAM DISTRICT**

PETITIONER/6TH ACCUSED:

**MUSTHAF,
S/O.ABDUL SALAM, AGED 37 YEARS,
VELOORPADEETTATHIL HOUSE,
CHANGANKULANGARA MURI, OACHIRA VILLAGE.**

BY ADV. SRI.K.R.SUNIL

RESPONDENT/COMPLAINANT:

**THE DETECTIVE INSPECTOR OF CBCID,
OCW1, KOLLAM, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

Crl.MC.No. 4323 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1- TRUE COPY OF THE ORDER IN CRL.M.C.NO.3082/2013 DATED
30.7.2013.**

**ANNEX A2- THE TRUE COPY OF THE ORDER IN CMP.NO.2261/2015 IN CRIME
NO.65/2009 OF OACHIRA POLICE STATION IN CBCID CRIME
NO.44/CR/51/2009 DATED 24.04.2015.**

RESPONDENT(S)' ANNEXURES:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.No.4323 Of 2015

Dated this the 29th day of July, 2015.

ORDER

The prayer made by the petitioner in this Crl.M.C is to delete the impugned condition No.3 of Anx-A2 order passed by the Judicial First Class Magistrate Court, Karunagappally on C.M.P.No.2261/2015 in Crime No.65/2009 of Oachira Police Station. The petitioner was permitted to travel abroad for a period of six months subject to execution of bond for requisite amount and by furnishing two solvent sureties and by making requisite cash security deposit and also the impugned condition No.3 that he shall undertake to surrender his passport on or before 24.10.2015.

2. Heard Sri.K.R.Sunil, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. It is pointed out by the learned counsel for the petitioner that investigation is not completed in its entirety and the final report is yet to be submitted before the competent court, even going by the averments in the statement already filed on behalf of the Investigating

Crl.M.C.No.4323 Of 2015

Officer in this Case. It is further pointed out that the petitioner has been now constrained to make frequent journeys from his work place, Saudi Arabia to Cochi which involves huge expenses whereby his income level and savings are substantially depleted. The petitioner undertakes that if the Investigating Officer notifies his presence, he can very well inform the same to his family members who are placed here only, the date on which he has to report back in the State, he would certainly comply with any such direction and that the impugned condition may be deleted and that he would attend the court as and when required at the appropriate stage. From the statement filed by the Investigating Officer, it is clear that the investigation is at the fag end and the same has not been completed in its entirety and final report has not yet been filed before the court. This process may take some time. However, the plea made by the petitioner that his frequent travelling from Saudi Arabia to Kerala would entail huge expenses which constrain his income levels and savings appears to be genuine and bonafide. In these circumstances, it is ordered in the interest of justice that the time limit of 24.10.2015 imposed in Anx-2 order will stand extended up to 31.12.2015. This will be subject to condition that the petitioner shall produce attested photocopies of the visa and he shall furnish his address

Crl.M.C.No.4323 Of 2015

in his foreign work place and contact telephone numbers (both land line and mobile cellular phone) and email ID while filing necessary application in that regard through his authorised counsel before the court below and a copy of which will have to be served to the Investigating Officer through the Assistant Public Prosecutor attached to the court below. All the other conditions shall remain unaltered. The petitioner shall ensure that a certified copy of this order is produced by the petitioner before the court below. In case if the petitioner has any further grievance, it will be open to him to agitate the same in the manner known to law.

With these observations and directions, this Crl.M.C stands finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-