

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

CrI.MC.No. 4428 of 2015 ()

CC 1513/2009 of J.M.F.C.-II, ERNAKULAM

PETITIONER(S):

SHAMEER AGED 32 YEARS
S/O SULAIMAN, VANCHIPURAKKAL HOSUE
CHERANELLOORE DESOM, CHERNALEOOR VILLAGE
CHERANELLOORE P.O.

BY ADV. SRI.T.K.AJITHKUMAR (VALATH)

RESPONDENT(S):

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GITHESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
15-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 4428 of 2015

Dated 15th July, 2015

ORDER

1. The petitioner is the accused in C.C.No.1513 of 2009 on the file of the Judicial Magistrate of First Class-II, Ernakulam. The offence alleged against the petitioner is under sections 279 and 304A of the IPC. It is submitted by the learned counsel for the petitioner that on 22.6.2015 when the case was called, the petitioner was absent and non bailable warrant has been issued as against him. It is submitted by the counsel that the learned magistrate has taken the extreme step of issuing non bailable warrant for non appearance on a single day, despite the filing of an application for exemption. It is not justified is the submission . The limited prayer in this case is to issue necessary directions to the learned Magistrate to consider the bail application on the date of surrender.

2. In view of the above, it is hereby ordered that in the event of the petitioner surrendering before the Judicial

Magistrate of First Class-II, Ernakulam, on or before 29.7.2014 and applies for recalling the warrant and grant of bail after serving advance notice to the prosecutor concerned, the same shall be considered and orders passed on its merits on the same day itself. Coercive steps, if any, pending as against the petitioner, shall be kept in abeyance till then.

The Criminal Miscellaneous Case is disposed of as above.

SD/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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P.S.To Judge