

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. 4430 of 2015

ST 2262/2014 of J.M.F.C.-II, CHERTHALA

PETITIONER(S)/PETITIONER/ACCUSED:

REMA DEVI, AGED 59 YEARS
W/O.P.R.CHANDRADATHAN, RAMNIVAS, KUTHIYATHODE
CHERTHALA.

BY ADV. SRI.P.K.ABOOBACKER(EDAPPALLY)

RESPONDENT(S)/RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, ERNAKULAM.

2. MR.T.J.BABY,
S/O.RAMAKRISHNAN, MADATHIL HOUSE, CMC-13
CHERTHALA, PIN-688524.

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:

CrI.MC.No. 4430 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE A1 THE TRUE COPY OF THE REPLY NOTICE DATED 17.7.2012
ISSUED BY THE PETITIONER'S COUNSEL TO THE 2ND
RESPONDENT'S/COMPLAINANT LAWYER

ANNEXURE-A2 THE TRUE PHOTOCOPY OF THE MEDICAL CERTIFICATE DATED
30.6.2015 BY THE DOCTOR.

TRUE COPY

P.S TO JUDGE

RAJA VIJAYARAGHAVAN.V. J

Crl.M.C. 4430 of 2015

Dated 15th July, 2015

ORDER

1. This petition filed u/s 482 of the Code of Criminal Procedure is preferred by the accused in S.T.No.2262 of 2014 on the file of the Judicial Magistrate of First Class-II, Cherthala. The said case arose on the basis of a complaint filed by the 2nd respondent u/s 138 of the Negotiable Instruments Act. It is submitted by the learned counsel for the petitioner that the case against her was posted by the learned Magistrate on 25.5.2015 on which day the petitioner was unable to appear before the Court since she sustained a fracture on the right end of the tibia. It is submitted that the petitioner is aged 63 years and had retired as Deputy Manager from Keltron. According to the learned counsel, non bailable warrant has been issued to the petitioner and the case stands posted to 21.7.2015.

2. The learned counsel for the petitioner has produced a medical certificate dated 30.6.2015 issued by Dr.Sudhakar Rao of Sri.Venkiteswara hospital in which it is stated that the petitioner has suffered a fracture on the right upper end of the tibia and she has been advised hospitalization for two weeks and thereafter complete bed rest for two months. The prayer in this Crl.M.C is to permit the petitioner to appear before the Judicial Magistrate of First Class-II, Cherthala, through lawyer and file applications for recalling the warrant and also a petition under Section 205 of the Code to condone the absence of the petitioner until further orders.

3. I have heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Taking into consideration the fact that the petitioner is a lady aged 63 years and that it was under compelling circumstances that she was unable to appear before the learned Magistrate on 25.5.2015, I am of the considered opinion that a liberal view has to be taken in this case.

5. Taking note of the medical certificate that the petitioner requires complete bed rest for two months from 30.6.2015, I am of the view that coercive proceedings as against the petitioner can be kept in abeyance till 29.8.2015.

6. It is, therefore, ordered that in the event of the petitioner appearing before the Judicial Magistrate of First Class-II, Cherthala, on or before 1.9.2015 and applies for recalling the warrant and grant of bail after serving advance notice to the prosecutor concerned, the same shall be considered sympathetically 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