

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

Crl.MC.No. 4455 of 2015 ()

**L.P. NO.16/2014 IN ST. NO.134/2012 OF JUDICIAL FIRST CLASS MAGISTRATE
COURT-II, NORTH PARAVUR, ERNAKULAM DISTRICT.**

.....

PETITIONER/ACCUSED:

**VENUGOPAL, AGED 64 YEARS,
S/O.RAMAN, ODASERY HOUSE, CHERAI P.O.,
PALLIPPURAM VILLAGE, ERNAKULAM DISTRICT.**

BY ADV. SRI.V.A.PRADEEP KUMAR.

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. PAUL, S/O. MATHEW,
KULANGARA, THEKKEPUTHEN VEEDU,
NORTH PARAVUR P.O, PARAVUR VILLAGE,
ERNAKULAM DISTRICT - 683 513.**

R1 BY PUBLIC PROSECUTOR SRI.GITHESH.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

Crl.MC.No. 4455 of 2015

APPENDIX

PETITIONER'S ANNEXURES:-

**A1 - TRUE COPY OF S.T NO. 134/2012 FILED BY THE SECOND RESPONDENT
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT - II,
NORTH PARAVUR.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C No.4455 of 2015

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Dated this the 16th 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-II, North Paravur to consider the Bail application and to release the petitioner on bail on his surrender the day itself in the light of the decision reported in 1990 (1) KLT 120 (Manoj Kumar v. State of Kerala) and Oseela Abdul Khaker v. State of Kerala reported in 2012 (4) KLT 535) and the order dated 6.7.2015 in Crl.M.C No.4114 of 2015 of this Honourable Court in accordance with law in the interest of justice.”

2. Heard Sri.V.A Pradeep Kumar, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. It is submitted by the petitioner that no summons was received by the petitioner from the Judicial First Class Magistrate Court-II, Paravur and therefore he could not appear before the court below. Thereafter non bailable warrant was issued and registered in the long pending list as L.P No. 16/2014 in S.T No. 134/2012 on the file of the court below.

4. Considering the fact that the petitioner is a 64 year old senior citizen and the offence alleged against him is only one under the 138 of the Negotiable Instruments Act and also the averments of the petitioner that he had not received any summons, it is ordered in the interest of justice that in case the petitioner voluntarily surrenders before the Judicial First Class Magistrate's Court-II, North Paravur (dealing with L.P No.16/2014), 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.

sd/-

sab

ALEXANDER THOMAS, JUDGE