

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

Crl.MC.No. 4526 of 2015

**JUDGMENT DATED 25-06-2007 IN SC 433/1999 of ADDITIONAL DISTRICT COURT
(ADHOC), KOLLAM
LP 176/2009 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KARUNAGAPPALLY
CRIME NO. 125/1997 OF CHAVARA POLICE STATION, KOLLAM**
.....

PETITIONER(S)/6TH ACCUSED:

**SHELTON, AGED 36 YEARS,
S/O.LATE FRANCIS, JASMIN BHAVAN, 132,
KARITHURA, CHAVARA VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.N.SUNIL JOSEPH

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE SUB INSPECTOR,
CHAVARA POLICE STATION, KOLLAM DISTRICT - 691 001.**

BY PUBLIC PROSECUTOR SRI.GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
17-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1:-TRUE COPY OF THE JUDGMENT DTD 25/6/2007 IN SC NO 433/99 OF
THE HON'BLE ADDITIONAL DISTRICT AND SESSION JUDGE-
ADHOCK - I, KOLLAM.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

ALEXANDER THOMAS, J.

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Crl.M.C No.4526 of 2015

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Dated this the 17th 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 recall the Non-bailable warrant of arrest issued against the petitioner /6th accused in L.P No.176/2009 on the files of the Hon'ble judicial First Class Magistrate Court, Karunagapally, in the interest of justice.”

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

3. Having regard to the totality of the facts and circumstances of this case, it is ordered in the interest of justice that in case the petitioner voluntarily surrenders before the Hon'ble Judicial First Class Magistrate Court, Karunagapally, (dealing with L.P No.176 of 2009), within four weeks from today, and submits necessary application for recall of the warrant and application for grant of bail, then the court below concerned 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 four 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 and it is open to the petitioner to produce Anx.A-1 judgment dated 25.6.2007 of the court of Additional Sessions Judge- Adhoc I, Kollam in S.C No.433/09 arising out of the same crime, wherein all the 99 other accused who faced trial, out of the total 107 accused in the crime have been acquitted. The court below while considering the bail application shall take into consideration, the acquittal of 99 other co-accused persons as per Anx-A1 judgment.

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

sd/-

sab

ALEXANDER THOMAS, JUDGE

