

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Crl.MC.No. 4572 of 2015 ()

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CRIME NO. 3/1994 OF NEYYAR SANCTUARY RANGE, NEYYATTINKARA,
THIRUVANANTHAPURAM
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PETITIONER :

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CHELLAPPAN, AGED 58 YEARS,S/O.PALAYYAN,
EANCHAKKADUVILA VEEDU, THUMBODU VILLAGE,
KALKULAM TALUK,PIN-629 161, KANYAKUMARI DISTRICT,
TAMIL NADU.**

BY ADV. SRI.D.VIJAYAKUMAR

RESPONDENT :

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STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM(O.R.NO.3/1994 OF NEYYAR
SANCTUARY RANGE, NEYYATTINKARA, THIRUVANANTHAPURAM)**

BY PUBLIC PROSECUTOR SRI.GITHESH.R

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

Crl.M.C.No.4572 Of 2015

Dated this the 21st day of July, 2015.

ORDER

This Criminal M.C. has been instituted under Section 482 of the Code of Criminal Procedure seeking the invocation of the inherent powers confirmed on this Court with the following prayer.

“.....to recall the Non-Bailable warrant issued against the petitioner and be further pleased to direct the learned Judicial First Class Magistrate Court, Nedumangad to consider his application for bail on the date of his surrender itself, in the interest of justice.”

2. Heard Sri.D.Vijayakumar, the learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

3. After hearing both sides and taking into consideration the totality of the facts and circumstances of the case, it is ordered in the interest of justice that in case the petitioner voluntarily surrenders before the Judicial First Class Magistrate Court, Nedumangad dealing with forest offences, within a period of two

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weeks from today and makes necessary application for recall of the pending warrant as well as necessary application for grant of bail in the pending case (L.P.No.72/2012 in C.C.No.27/1997) then the jurisdictional Magistrate concerned is directed to consider such applications on the same day of surrender itself, in accordance with law, after taking into consideration the relevant aspects of the case. It is also ordered that the petitioner shall give advance notice to the prosecutor concerned appearing before the Magistrate Court concerned, on the above said applications and notifying the exact date and time of surrender before the said Court, at least 24 hours prior to such proposed surrender. It is further ordered in interest of justice that until orders are passed by the jurisdictional magistrate concerned, further coercive steps initiated against the petitioner in execution of the impugned warrant, will be kept in abeyance. It is further made clear that in case the petitioner does not surrender before the jurisdictional Magistrate concerned, within a period of two weeks from today, the aforementioned directions issued herein above will stand automatically quashed. It

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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 this Crl.M.C. stand finally disposed of.

Sd/-

ALEXANDER THOMAS, Judge.

Bkn/-

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P.A.TO JUDGE.