

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Crl.MC.No. 4944 of 2015 ()

**LP.NO. 32/2002 OF CHIEF JUDICIAL MAGISTRATE COURT, KALEPETTA
CRIME NO. 26/1995 OF EXCISE CIRCLE INSPECTOR OFFICE, KALPETTA, WAYANAD**

PETITIONER/ACCUSED :

**REJI JOSEPH
AGED 47 YEARS, S/O.JOSEPH,
OTTAPLAKKAL HOUSE, P.O.ATHIYODI
KOORACHUND VILLAGE, KOYILANDY,
KOZHIKODE.**

BY ADV. SMT.CELINE JOSEPH

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. R.GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 4944 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

**ANNEXURE-I: TRUE COPY OF THE MAHAZAR PREPARED BY EXCISE INSPECTOR,
KALPETTA.**

**ANNEXURE-II: TRUE COPY OF THE LIST OF CONTRABAND ARTICLES FOUND ON
SEARCH UNDER SECTION 55(a) OF THE KERALA ABKARI ACT.**

**ANNEXURE-III: TRUE COPY OF THE CHARGE SHEET IN CRIME NO.26/95 OF EXCISE
CIRCLE INSPECTOR OFFICE, KALPETTA IN LP 32/02 OF THE CHIEF
JUDICIAL MAGISTRATE COURT, KALPETTA.**

RESPONDENT(S)' ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

=====

Crl.M.C.No. 4944 of 2015

=====

Dated this the 4th day of August, 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 prayer:

“.....to issue direction to the learned Chief Judicial Magistrate Kalpetta to release the petitioner on bail on the same day of his surrender in Crime No.26/1995 of Excise Circle Inspector Office, Kalpetta in LP 32/02 of the Chief Judicial Magistrate Court, Kalpetta.”

2. Heard Smt.Celine 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 Chief Judicial Magistrate Court, Kalpetta (dealing with Crime No.26/1995 of Excise Circle Inspector of Police, Kalpetta in LP 32/02) within two 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 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/- ALEXANDER THOMAS, JUDGE

MJL