

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Crl.MC.No. 5311 of 2015 ()

LP.NO.77/2001 OF CHIEF JUDICIAL MAGISTRATE COURT, KOZHIKODE.

.....

PETITIONER/ACCUSED:

**ABDUL RASHEED C.P.M., AGED 50 YEARS,
S/O.MOHAMMED KOYA C.P.M., 15/108 OJINTAKAM,
PARAPPIL, KALLAI P.O, KOZHIKODE -673 003.**

BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL).

RESPONDENTS/STATE & DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. VIVIAN KURUVILA,
S/O.VARGHESE, NEDUMPARA HOUSE,
WEST HILL, KOZHIKODE-673 001.**

R1 BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No.5311 of 2015

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Dated this the 13th day of August, 2015

ORDER

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 Chief Judicial Magistrate, Kozhikode to consider the petition to recall the warrant issued against the petitioner and to release the petitioner on bail on the same day of his surrender and moving bail application in L.P.No. 77/2001 on the file of the Hon'ble Chief Judicial Magistrate, Kozhikode in the interest of justice.

2. Heard Sri.Jose Kuriakose, 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's Court, Kozhikode (dealing with L.P.No.77/2001), 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 stand automatically 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/+

///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

Cr1.M.C.5311/15

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