

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

Crl.MC.No. 5383 of 2015 ()

**LP.NO. 1/2009 OF ADDL.SESIONS COURT (ADHOC-II), KASARGODE
CRIME NO. 59/1998 OF BEDAKOM POLICE STATION , KASARGOD DISTRICT**

PETITIONER/6TH ACCUSED:

**JAYARAM,S/O K.P. SUKUMARAN NAIR,
CHORITHODUE, MANADUKKA.P.O.,
BANDADUKA VILLAGE, KASARGOD TALUK.**

BY ADV. SRI.BINDU SREEKUMAR

RESPONDENT/STATE AND COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

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APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEX A1: CRIME NO.59/98 BEDAKAM POLICE STATION OF THE HONOURABLE
ADDITIONAL SESSIONS JUDGE II OF KASARAGOD, SPLITTING IT
FROM CRIME NO. 59/98 AND RENUMBERED AS L.P.NO.1/2009**

RESPONDENT(S)' ANNEXURES: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

ALEXANDER THOMAS, J.

Crl.M.C.No.5383 Of 2015

Dated this the 17th day of August, 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 conferred on this Court with the following prayer.

“.....to direct the Honourable Additional Sessions Judge-II, Kasaragod to consider and pass orders on the bail application filed by the accused on the day of surrender itself.”

2. Heard Sri.Bindusree Kumar, 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 Additional Sessions Court-II, Kasaragod, dealing with L.P.No.1/2009 (Crime No.59/1998 of Bedakam Police Station), within a period of two weeks from today and makes

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necessary application for recall of the pending warrant as well as necessary application for grant of bail in the pending case (L.P.No.1/2009) 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. The learned Magistrate will also consider the plea of the petitioner that the other accused in the case have already been acquitted as per Anx-A1 judgment dated 21.5.2008 in S.C.No.311/2001 rendered by the Court of Additional Sessions Judge (Ad Hoc-II), Kasaragod, while considering those applications as directed herein. 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 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

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directions issued herein above will 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 this Cr1.M.C. stand finally disposed of.

ALEXANDER THOMAS,
Judge.

bkn/-