

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

Crl.MC.No. 5746 of 2015 ()

**LP.NO. 66/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT -I, HOSDURG
CRIME NO. 388/2009 OF CHENDESA POLICE STATION, KANHANGAD,
KASARGOD DISTRICT**

PETITIONER/1ST ACCUSED :

**NASEER, AGED 31 YEARS,S/O.HANEEFA,
KALLAKUZHICAL, PUZHICHIRA, KAKKANAD,
THRIKKAKARA, ERNAKULAM DISTRICT.**

BY ADV. SRI.M.M.ABDUL RAHIMAN

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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ALEXANDER THOMAS, J.

Crl.M.C.No.5746 Of 2015

Dated this the 20th 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 Judicial First Class Magistrate Court I, Hosdurg to recall the warrant issued against the petitioner and to release the petitioner on bail on the same day of his surrender before the court below and moving application for bail in the interest of justice or to pass such other order which this Hon'ble Court deems fit and necessary.”

2. Heard Sri.M.M.Abdul Rahiman, 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-I,

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Hosdurg dealing with C.C.No.1293/2011, within a period of two 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 (C.C.No.1293/2011) 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

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directions issued herein above will stand automatically quashed. 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 Crl.M.C. stand finally disposed of.

ALEXANDER THOMAS,
Judge.

Bkn/-

“C.C.No.1293/2011” occurring in the 1st and 4th lines at page 2 of the final order dated 20.8.2015 in Crl.M.C.No.5746/2015 is corrected and substituted as “C.C.No.319/2014” as per order dated 9.10.2015 in Crl.M.A.No.9443/2015 in Crl.M.C.No.5746/2015.

sd./-
REGISTRAR (JUDICIAL)