

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

CrI.MC.No. 5853 of 2015 ()

**CC.NO. 1742/2010 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
KOTTARAKKARA**

CRIME NO. 241/2005 OF POOYAPALLY POLICE STATION, KOLLAM

PETITIONER/ACCUSED :

**SENTHIL KUMAR
36 YEARS, S/O. MURALEEDHARAN
SENTLE BHAVAN, VELIYAM WEST
KOLLAM DISTRICT.**

BY ADV. SRI.SYAM J. SAM

RESPONDENTS/STATE AND DEFACTO COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. M.T. SHEEBA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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RAJA VIJAYARAGHAVAN V, J.

CrI.M.C.No.5853 of 2015

Dated this the 21st day of August, 2015

O R D E R

Petitioner is the accused in C.C.No.1742/2010 on the files of the Judicial First Class Magistrate Court – II, Kottarakara. According to the petitioner, he was working out of India and was unable to appear before the trial court.

2. On the apprehension of arrest and remand in judicial custody in execution of the warrant of arrest issued by the learned magistrate, the petitioner seeks orders from this Court under section 482 of the Code of Criminal Procedure to consider and pass orders in the bail application on the date of surrender itself.

3. It is for the petitioner to approach the learned Magistrate and appraise the reasons for his absence and to seek for recalling the warrant. There is no reason to believe

that the learned Magistrate shall not exercise its discretion judicially and in accordance with law.

In view of the above, it is hereby ordered that in the event of the petitioner surrendering before the Judicial First Class Magistrate Court – II, Kottarakara, on or before 15.09.2015 and applies for recalling the warrant and grant of bail after serving advance notice to the prosecutor concerned, the same shall be considered and orders passed on its merits on the same day itself. Coercive steps, if any, pending as against the petitioner, shall be kept in abeyance till then.

The Criminal Miscellaneous Case is disposed of as above.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge