

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Crl.MC.No. 5036 of 2014 ()

CRIME NO. 149/2007 OF CBCID, IDUKKI

PETITIONER(S)/ACCUSED:

**C.K.VIJAYAN
S/O.KRISHNANKUTTY, CHANHAMATTATHIL HOUSE, PIRVAMKARA
PIRAVAM VILLAGE, ERNAKULAM.**

**BY ADVS.SRI.P.K.BABU
SMT.R.ANUPAMA**

RESPONDENT(S):

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI-31.**

**2. INSPECTOR
C.B.C.I.D., THODUPUZHA-685584. IDUKKI.**

R BY ADV. PUBLIC PROSECUTOR SMT. S . HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1: TRUE COPY OF THE APPLICATION FILED BY CBCID DT.28-5-2014.

ANNEXURE 2: TRUE COPY OF THE NOTICE DT.9-6-2014 ISSUED BY THE JFCM, NEDUMKANDAM.

ANNEXURE 3: TRUE COPY OF THE ORDER SHEET OF JFCM, NEDUMKANDAM.

ANNEXURE 4: TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE JFCM, NEDUMKANDAM DT.19-6-2014.

ANNEXURE 5: TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER BEFORE THE JFCM, NEDUMKANDAM DT.14-8-2014.

ANNEXURE 6: TRUE COPY OF THE APPLICATION FILED BEFORE THE JFCM, NEDUMKANDAM ON 22-8-2014 BY R2.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 5036 of 2014

Dated this the 5th day of March, 2015.

O R D E R

The petitioner herein is the accused in Crime No.149 of 2007 of the Shanthanpara Police Station, Idukki. During investigation, the Detective Inspector, CBCID, who is in charge of the investigation of the crime, made an application before the learned Judicial First Class Magistrate, Nedumkandom as C.M.P No.3767 of 2014 for a direction to the petitioner herein to produce some material documents, which will have to be subjected to scientific examination for comparison of signature and other aspects. The learned Magistrate issued notice to the petitioner herein on 9.6.2014 requiring the petitioner to show cause why the request should not be allowed, and why he should not be directed to produce the documents. It is only a notice to appear and show cause. The petitioner did not show cause as directed but he requested for sometime to produce the documents. Though time was granted on many occasions the petitioner could not produce the documents in court. Now he apprehends that the learned Magistrate will cancel his bail and he takes a stand

that he is not required under the law to produce the document. In this proceeding brought under Section 482 Cr.P.C, he seeks a direction to the learned Magistrate to stop the proceedings in C.M.P No.3767 of 2014.

2. On hearing the learned counsel and on a perusal of the materials including the report submitted by the learned Magistrate I find that the petitioner's apprehension is really baseless and the present proceeding is really premature. The petitioner will have to show cause as directed in the notice issued from the court, and the learned Magistrate will have to pass a judicial order on C.M.P No.3767 of 2014. His apprehension that his bail would be cancelled is also baseless now, because he has not received any such notice from the court. I do not think that the learned Magistrate will proceed to cancel the bail without hearing the petitioner. Anyway, such steps will be resorted to only after orders are passed on C.M.P No.3767 of 2014, and the petitioner failed to comply with the directions made by the court. This is not the stage to interfere in the proceeding. Let appropriate orders be passed by the court below on C.M.P No.3767 of 2014. The petitioner can approach this court for necessary relief at the right stage. As regards the apprehension regarding cancellation of bail

also this is not the stage to interfere. In case the learned Magistrate thinks of cancelling the bail, he will definitely get a notice from the court.

With the above observations, this Crl.M.C is closed.

P.UBAID,
JUDGE

sab