

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Crl.MC.No. 6388 of 2015 ()

**C.C. NO. 1598/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHENGANNUR
CRIME NO. 2171/2013 OF CHENGANNOOR POLICE STATION , ALAPPUZHA**

PETITIONER/ACCUSED:

**M.V.ALIAS, S/O. VERKEY,
MANIYELI HOUSE, THURUTHI P.O.,
KURUPPAMPADY, ERNAKULAM DISTRICT.**

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS/STATE AND COMPLAINANT:

- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM – 682 031.**
- 2. THE SUB INSPECTOR OF POLICE, CHENGANNOOR-689 121.**

R BY PUBLIC PROSECUTOR SRI. JUSTIN JACOB

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURE:

- ANNEXURE A:** **A TRUE COPY OF THE COMPLAINT FILED BEFORE THE
ADDITIONAL DIRECTOR GENERAL OF POLICE, SOUTH ZONE.**
- ANNEXURE B:** **A TRUE COPY OF THE FINAL REPORT IN CRIME 2171/2013 OF
CHENGANNOOR POLICE STATION NOW PENDING AS CC
1598/2014 OF JFCM COURT-I, CHENGANNOOR.**
- ANNEXURE C:** **A TRUE COPY OF THE ORDER DATED 15.9.2015 IN CRIMINAL
M.A. 9185/2015 IN CRIMINAL M.C. 6163/2015.**
- ANNEXURE D:** **A TRUE COPY OF THE CASUALTY REGISTRATION CARD FROM
GENERAL HOSPITAL, ERNAKULAM DATED 22.9.2015.**
- ANNEXURE E:** **A TRUE COPY OF THE OUTPATIENT REGISTRATION CARD
DATED 23.9.2015.**
- ANNEXURE F:** **A TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED FROM
GENERAL HOSPITAL, ERNAKULAM DATED 25.9.2015.**

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

/TRUE COPY/

P.A. TO JUDGE

AK

P.UBAID, J.

Crl.M.C.No. 6388 of 2015

Dated this the 29th day of September, 2015

ORDER

The grievance of the petitioner herein is that the learned Judicial First Class Magistrate, Chengannoor has issued warrant of arrest against him in CC No. 1598/2014. The learned Magistrate has also initiated proceedings under Section 446 Cr.P.C. He now wants to surrender before the learned Magistrate, but he apprehend that he would be remanded to judicial custody. Crl.M.C.No.6163/2015 brought by the petitioner to quash the prosecution is still pending. In the said proceeding this Court has already granted him an order on 15.09.2015 in Crl.M.A.No.9185/2015, directing him to surrender before the learned Magistrate and make application for bail. The grievance of the petitioner is that due to some unavoidable circumstances he could not promptly surrender as directed, and so, warrant of arrest happened to be issued against him. In the above circumstances, I do not find the necessity of any further order in this proceedings. It is made clear that the order dated 15.9.2015 passed by this Court

will stand, and accordingly the petitioner can very well surrender before the learned Magistrate and make application for bail. I do not think that the learned Magistrate will mechanically remand him to judicial custody. His grievance and also his explanation for absence, or for failure to surrender promptly, will definitely be heard by the learned Magistrate and appropriate decision will be taken on the request for bail. However, a reasonable time can be granted to him to surrender before the learned Magistrate.

In the result, this Crl.M.C. is disposed of, with a direction to the court below that in case the petitioner makes application for bail on surrender, as directed by the Court on 15.9.2015 in Crl.M.A.No. 9185/2015, the application shall be judiciously considered and decided on the date of surrender itself, as indicated above, and also as directed on 15.9.2015. In the present circumstances, the petitioner is granted time for 7 days to surrender before the learned Magistrate and make application.

**P.UBAID
JUDGE**

AK