

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 6499 of 2015 ()

CC 954/2007 of JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD

PETITIONERS/ACCUSED NO. 1 TO 5 :

- 1. SAJIL, AGED 37 YEARS,S/O NASSAR,
RAYAMMARAKKAR (H), ORUMANAYOOR,
MUTHANMAVU, CHAVAKKAD, THRISSUR.**
- 2. IBRAHIM KUTTY, AGED 49 YEARS,
S/O NASSAR, RAYAMMARAKKAR (H), ORUMANAYOOR,
MUTHANMAVU, CHAVAKKAD, THRISSUR.**
- 3. MYMOONA, AGED 41 YEARS,
W/O IBRAHIM KUTTY, RAYAMMARAKKAR (H), ORUMANAYOOR
MUTHANMAVU, CHAVAKKAD, THRISSUR.**
- 4. NASEENA, AGED 37 YEARS,
W/O SHAJAHAN, RAYAMMARAKKAR (H), ORUMANAYOOR,
MUTHANMAVU, CHAVAKKAD, THRISSUR.**
- 5. JALEEL, AGED 32 YEARS,
S/O NASSAR, RAYAMMARAKKAR (H), ORUMANAYOOR,
MUTHANMAVU, CHAVAKKAD, THRISSUR.**

BY ADV. SRI.RAJIT

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SMT. SHEEBA M. T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

Crl.MC.No. 6499 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: TRUE COPY OF THE ORDER PASSED BY THE LEARNED
JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD
ON 11.9.2015 IN C.C.NO.954/2007.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P. UBAID, J.

Crl.M.C.No.6499 of 2015

Dated this the 6th day of October, 2015

O R D E R

The petitioners herein are the accused in C.C.No.954/2007 of the Judicial First Class Magistrate Court, Chavakkad. When the petitioners failed to appear on the date fixed for their examination under Section 313 Cr.P.C., the learned Magistrate cancelled their bail, issued warrant of arrest against the accused, and also issued notice to the sureties, on 11.09.2015. The petitioners now seek orders under Section 482 Cr.P.C. directing the learned Magistrate to recall the warrant of arrest and release them on bail. The prayer as sought by the petitioners cannot be granted by this court under Section 482 Cr.P.C., because it will amount to intrusion into the trial process. The learned Magistrate will have to consider the request for bail afresh, and pass appropriate orders. I do not think that the learned Magistrate will mechanically remand the petitioners to judicial custody at this stage, where the trial stands practically closed. The petitioners can very well explain their absence and seek bail afresh. As regards the proceedings initiated against the sureties, the matter is left to the wisdom of the learned Magistrate. Hence, this

Crl.M.C. is disposed of with a direction to the learned Magistrate that if the petitioners make application for bail afresh in C.C.No.954/2007 on surrender, the same shall be judiciously considered and decided as indicated above, on the date of application itself.

Sd/-

P. UBAID, JUDGE

sd