IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Crl.MC.No. 7333 of 2015

CRIME NO. 256/2015 OF ATHOLY POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED NOS. 5,7,8 & 9 :-

----

1. **ASHRAF, AGED 26 YEARS,**
   S/O.KHALID HAJI, RUKSANA MANZIL, KAITHAKKADI P.O.,
   VHERUVATHOOR, KASARAGOD.

2. **ABDUL RASHEED, AGED 30 YEARS**
   S/O.UMMER, THYLAKANDY HOUSE,
   KAITHAKKAD P.O., KASARAGOD.

3. **ABOOBACKER SIDDIQUE, AGED 27 YEARS**
   S/O.UMMER, THYLAKANDY HOUSE, KAITHAKKAD P.O.,
   CHERUVATHOOR, KASARAGOD.

4. **SIDDIQUE, AGED 25 YEARS,**
   S/O.ALIKKOYA, NAFEESATH MANZIL, THAQUA NAGAR,
   KAITHAKKAD P.O., KASARAGOD.

BY ADV. SRI.P.K.SUBHASH

RESPONDENT(S)/STATE :-

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

R BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rkj

Crl.MC.No. 7333 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

ANNEXURE A1 : A TRUE COPY OF THE ORDER DATED 14.10.2015 IN CMP NO.2041 IN C.P.NO.55 OF 2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, PERAMBRA IN CRIME NO.256 OF 2015 OF ATHOLI POLICE STATION.

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

==========

Crl.M.C.No.7333 of 2015

==========

Dated this the 27th day of November, 2015

ORDER

The petitioners herein are the accused Nos. 5 and 7 to 9 in C.P.No.55 of 2015 of the Judicial First Class Magistrate Court-II, Perambra. They have surrendered their passport in Court as a condition for bail. Pending the committal proceedings they approached the learned Magistrate with application to release the passport. The learned Magistrate dismissed their applications on 14.10.2015 on the ground that it would affect the trial of the case. They seek orders quashing the said order, under Section 482 Cr.P.C.

2. Now, there is a report from the learned Magistrate that the case stands committed to the Court of Session. In such a situation, the petitioners can very well approach the learned trial Judge with the request. On a consideration of the entire facts and circumstances of the case including the possibility

regarding commencement of trial in the near future, appropriate decision can be taken by the trial court. On the request to release the passport, decision will have to be first taken by the trial court because the trial court only knows the nature of the case, the nature of the proceedings there, and other aspects. Once such a decision is taken by the trial court, and if the petitioners are aggrieved by the decision, they can approach this Court.

In the result, this petition is disposed of, with observation that the petitioners can very well approach the trial court with application to release their passport, and if they are aggrieved in any manner by the orders passed by the trial court, they can approach this Court again.

Sd/-

P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE