

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

Cr1.MC.No. 8081 of 2015

C.C.NO.145/2008 of CHIEF JUDICIAL MAGISTRATE COURT,
ERNAKULAM

PETITIONER/ACCUSED :-

SHAJITH I.P., AGED 40 YEARS,
S/O.MOHAMMED, ETTIKA PARAMBIL,
PALAKKAL HOUSE, PUTHUNJIKKARA,
PURATHUR VILLAGE, MALAPPURAM DISTRICT.

BY ADVS.SRI.SUNIL V.MOHAMMED
SMT.AJITHA APPU

RESPONDENT(S)/STATE/COMPLAINANT :-

1. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
2. MOHANAN.R., POLICE CONSTABLE,
CITY TRAFFIC POLICE STATION,
ERNAKULAM - 682 018.

R1 BY SRI.GITHESH R., PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rkj

Cr1.MC.No. 8081 of 2015

APPENDIX

PETITIONER(S) ' ANNEXURES :-

ANNEXURE A1 : TRUE COPY OF THE COURT PROCEEDINGS ON 8/9/2015
OF THE CHIEF JUDICIAL MAGISTRATE COURT,
ERNAKULAM.

RESPONDENT(S) ' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.8081 of 2015
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Dated this the 29th day of December, 2015

ORDER

The petitioner herein seeks orders under Section 482 Cr.P.C. quashing the coercive steps including those under Sections 82 and 83 of Cr.P.C. issued against him from the Judicial First Class Magistrate Court, Ernakulam in C.C.No.145 of 2008 wherein he is the accused. His grievance is that due to absence on a day the court below mechanically cancelled his bail, and issued warrant of arrest, and on the next posting date, the learned Magistrate even ordered steps under Sections 82 and 83 Cr.P.C. He now wants to surrender before the learned Magistrate, and make application for bail afresh. I do not think that the learned Magistrate will be mechanically remand him to judicial custody without hearing his grievance. As regards the proceedings initiated under Section 446

Cr.P.C., the matters are left to the decision of the learned Magistrate. However, the petitioner can very well surrender before the learned Magistrate and make application for regular bail under Section 437 Cr.P.C. His grievance that he could not make appearance on 08.09.2015, due to some unavoidable circumstances, will definitely be considered by the learned Magistrate.

With these observations, this CrI.M.C. is disposed of.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE