

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

Cr1.MC.No. 7320 of 2014 ()

CC 870/2011 of J.M.F.C., KOYILANDY

PETITIONER(S)/ACCUSED NO.1 :-

YAKOOB.C.K., AGED 33 YEARS
S/O.HAMZA N.P., GASSAL HOUSE, MOIDEENPALLY ROAD
KOYILANDY, KOYILANDY TALUK, KOYILANDY PSL.
PIN-673 305.

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN

RESPONDENT(S)/COMPLAINANT :-

1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. SUB INSPECTOR OF POLICE
KOYILANDY POLICE STATION, KOZHIKODE-673 303.
3. HAFSEESNA RAHMATH P.V.
D/O.LATE ABOOBACKER P.V., ELAVANA ROAD
KUNDUPARAMBU P.O., EDAKKAD, KOZHIKODE-673 005.

R1 & R2 BY PUBLIC PROSECUTOR SRI.ABHIJITT LESSLI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

jvt

Cr1.MC.No. 7320 of 2014 ()

APPENDIX

PETITIONER(S) ' EXHIBITS :-

ANNEXURE A1 : COPY OF THE ABSENT APPLICATION FILED BY THE COUNSEL
FOR THE PETITIONER TO CONDONE ABSENCE OF THE PETITIONER.

ANNEXURE A2 : COPY OF THE DIARY EXTRACT DTD.19.9.2014 IN CC
NO.870/2011 ON THE FILES OF JUDICIAL FIRST CLASS MAGISTRATE
COURT, KOYILANDY.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

ANIL K. NARENDRA, J.

Crl.M.C. No.7320 of 2014

Dated this the 28th day of April 2015

ORDER

Petitioner is the first accused in C.C.No.870 of 2011 on the file of Judicial First Class Magistrate Court, Koyilandy. The offences alleged against the petitioner and other accused are punishable under Sections 498A, 406 and 506(ii) r/w 34 of Indian Penal Code based on a complaint instituted by the de facto complainant/3rd respondent. The petitioner has filed this Crl.M.C. seeking an order to quash Annexure-A2 order dated 19.9.2014 passed by the court below, by which, Annexure-A1 application submitted by the petitioner was dismissed stating that his presence is required for pronouncing the judgment. Therefore, non-bailable warrant was issued to the petitioner with notice to the sureties. It is aggrieved by the said order, the petitioner has come up before this Court with this Crl.M.C.

2. After arguing for some time, the learned counsel for the petitioner would submit that the petitioner will be satisfied if this Court pass an order directing the court below to consider and pass appropriate orders on the bail application submitted by the petitioner on the date of surrender itself.

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3. Heard the learned counsel for the petitioner and also the learned Public Prosecutor.

4. According to the petitioner, he is ready to surrender before the Trial Court and co-operate with the trial, but, his apprehension is that his bail application would not be considered by the Trial Court on the day of surrender itself. Hence, he seeks for an order directing the Magistrate Court to consider and pass appropriate orders on his bail application on the day of surrender itself.

Considering the facts and circumstances of the case, this Crl.M.C. is disposed of directing the petitioner to surrender before the Judicial First Class Magistrate Court, Koyilandy, within two weeks from today and the Magistrate Court is further directed to consider and pass appropriate orders on the bail application filed by the petitioner on the same day itself, in accordance with law. The non-bailable warrant issued against the petitioner shall be kept in abeyance for a period of two weeks. The question whether the petitioner can offer the very same sureties is left open to be decided by the Magistrate Court.

Sd/-
ANIL K. NARENDRA
JUDGE