

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

OP(Crl.).No. 260 of 2015 (Q)

CC 565/2009 of JUDICIAL FIRST CLASS MAGISTRATE COURT - I, ATTINGAL

PETITIONER/ACCUSED :

**SANJU KRISHNAN R.,
S/O. RADHAKRISHNAN, RADHAKRISHNA BHAVAN, PURAVOOR,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.LIJU. M.P

RESPONDENTS/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY SUB INSPECTOR OF POLICE,
CHIRAYINKEEZH POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.**

BY GOVERNMENT PLEADER SRI. RAJESH VIJAYAN

**THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE FINAL REPORT DATED 26.2.2009 IN CRIME NO.64/2009 OF CHIRAYINKEEZH POLICE STATION.
- EXHIBIT-P2: TRUE COPY OF THE RELEVANT EXTRACT OF ORDER DATED 1.8.2015 PASSED IN C.C. NO.565/09 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.
- EXHIBIT-P3: TRUE COPY OF THE E-TICKET ITINERARY RECEIPT DATED 13.8.2015.
- EXHIBIT-P4: TRUE COPY OF THE PETITION C.M.P. NO.3361/15 IN C.C.NO.565/09 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.
- EXHIBIT-P5: TRUE COPY OF THE EXTRACT OF THE ORDER DATED 7.8.2015 PASSED IN C.M.P.NO.3361/2015 IN C.C.NO.565/2009 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

ALEXANDER THOMAS, J.

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O.P(Crl.)No. 260 of 2015

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Dated this the 19th day of August, 2015

O R D E R

The prayer in this Crl.M.C. is for an order from this Court to set aside Exts.P-2 and P-5 to the extent it order the petitioner to surrender his passport before the court below.

2. The petitioner is an accused in C.C.No.565/2009 on the file of the Judicial First Class Magistrate's Court-I, Attingal, registered for offences under Secs.447, 427, 452, 379, 294(b) and 506(ii) of the I.P.C., on the basis of the private complaint, wherein the allegation against the petitioner is that the petitioner cut and removed two teak wood trees and caused damage to some other trees, etc. By Exts.P-2 and P-5, the petitioner has been directed to surrender his passport. It is pointed out that the petitioner along with his wife is working abroad and that the petitioner's presence is required in Riyadh, Soudi Arabia, as otherwise he will lose his job. Further that the case is only instituted on the basis of a private complaint and that it is only at the pre-trial stage and it might take

more than ten months for even contemplating about stage of framing charge and that the petitioner may be given at least a minimum time of eight months' time to go abroad and come back.

3. Heard Sri.M.P.Liju, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

4. Taking into account the totality of the facts and circumstances of the case, it is ordered in the interest of justice that the impugned direction in Exts.P-2 and P-5 directing the petitioner to surrender his passport of the court below will stand set aside. The petitioner is permitted to go abroad in connection with his job in Riyadh in Soudi Arabia and return back within a period of six months. The petitioner will be at liberty to seek appropriate modification of this condition by filing necessary application through his counsel, if so advised.

With these observations and directions, the Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

O.P (Cr1.) 260/15

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