IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 10TH DAY OF MARCH 2020 / 20TH PHALGUNA, 1941

Crl.MC.No.1817 OF 2020(F)

AGAINST THE ORDER/JUDGMENT IN LP 138/2017 OF CHIEF JUDICIAL MAGISTRATE , KALEPETTA

CRIME NO.256/2013 OF Meppadi Police Station , Wayanad

PETITIONER/ACCUSED:

RASHEED,
AGED 46 YEARS
KOYILAT HOUSE,
KODUVALLI, THAMARASSERY,
CALICUT DISTRICT.

BY ADV. SRI.ABDUL JALEEL.A

RESPONDENTS/DEFACTO COMPLAINANT:

1 **STATE OF KERALA,**
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

2 **STATION HOUSE OFFICER,**
MEPPADI POLICE STATION,
CALICUT DISTRICT.

BY ADV.

SRI.AMJAD ALI, SR. PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10.03.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.M.C.No.1817 of 2020

ORDER

The petitioner is the sole accused in CC No.50 of 2016 on the files of the Chief Judicial Magistrate court, Kalpatta. The case arose from Crime No.256 of 2013 of Meppadi Police Station, registered for the offence punishable under Section 420 of Indian Penal Code. The petitioner was not arrested at the investigation stage as he was out of India. As the petitioner could not be apprehended, the case is now included in the list of long pending cases. The petitioner has now come back to India and he intends to appear before the court below and face the trial. The petitioner apprehends that if he surrenders before the court below, he will be remanded to custody. The petitioner, therefore, seeks appropriate directions in this regard in this Criminal M.C.

2. Heard the learned counsel for the petitioner as also the learned Public Prosecutor.

3. There is no reason to think that if the petitioner surrenders before the jurisdictional Magistrate and explains the reason for his non-appearance, the learned Magistrate would mechanically remand him to custody. Be that as it may, in the light

of the apprehension entertained by the petitioner, and the orders passed by this court in similar and identical matters, I deem it appropriate to dispose of the Criminal M.C. permitting the petitioner to surrender before the court below within two weeks from the date of receipt of a copy of this order. Ordered accordingly. It is directed that if the petitioner prefers applications for recalling the warrant of arrest issued against him and also for bail, the same shall be considered by the jurisdictional Magistrate on the same day itself.

Sd/-

P.B.SURESH KUMAR, JUDGE.

SCS

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A1	**THE TRUE COPY OF THE FIR.**
ANNEXURE A2	**THE TRUE COPY OF THE CHARGE SHEET.**
ANNEXURE A3	**THE TRUE COPY OF THE STATEMENT OF DE FACTO COMPLAINANT.**
ANNEXURE A4	**A TRUE COPY OF DISCHARGE SUMMARY ISSUED BY PVS HOSPITAL, KOZHIKKODE DATED 30/10/2018.**
ANNEXURE A5	**THE TRUE COPY OF THE CERTIFICATE FROM THE DOCTOR.**

//TRUE COPY//
PA TO JUDGE