

Mohammed Reefa Vs. State of Kerala

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Court : Kerala

Decided On : Jul-30-2013

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Mohammed Reefa

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN TUESDAY, THE 30TH DAY OF JULY 2013 8TH SRAVANA, 1935 CrI.MC.No. 3173 of 2013 ----- ST 2013/2011 of THE JUDICIAL FIRST CLASS MAGISTRATE COURT - I, ETTUMANUR PETITIONER/ACCUSED: MOHAMMED REEFA, AGED 2 YEARS S/O.ABDUL KAREEM, THEKKE ASSARIPARAMBIL VEEDU ERAMALLOOR (P.O), ALAPPUZHA DISTRICT. BY ADVS.SRI.M.V.THAMBAN SRI.R.REJI SMT.THARA THAMBAN SRI.B.BIPIN RESPONDENTS/COMPLAINANT: STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM REPRESENTING THE SUB INSPECTOR KIDANGOOR POLICE STATION, ETTUMANOOR KOTTAYAM DISTRICT, PIN

631. R BY PUBLIC PROSECUTOR SMT. S. HYMA THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.MC.No. 3173 of 2013 ()

----- APPENDIX PETITIONER'S EXHIBITS

----- ANNEXURE.A-1: TRUE COPY OF THE ORDER
DATED 21 4.2013 IN S.T.NO.2013/2011 PASSED BY THE JUDICIAL FIRST
CLASS MAGISTRATE COURT - I, ETTUMANOOR. RESPONDENT(S)' EXHIBITS
NIL ks. TRUE COPY P.S. TO JUDGE V.K.MOHANAN, J.

----- CrI.M.C.No.3173 of 2013
----- Dated this the 30th day of July, 2013

ORDER

The petitioner is the sole accused in S.T. No.2013/2011 on the file of the Judicial First Class Magistrate Court-I, Ettumannor where the offences involved are under Sections 279, 337 r/w Section 338 of IPC. According to the petitioner though he enlarged on bail in the above case subsequently he could not appear before the Court below as he had gone abroad and now he is ready to surrender before the Court below, he apprehends that he will be send to jail. Therefore, the present petition is filed under Section 482 of Cr.P.C with a prayer to recall the NBW issued against the petitioner/accused.

2. Heard the counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the facts and circumstances involved in the case it appears that though the petitioner was once granted bail, he jumped over the bail condition and now he apprehends that he will be send to jail as NBW is pending against him. If that be so, it is for the petitioner to approach CrI.M.C.No.3173 o

2. the Court below from where NBW is issued and to convince the reason for his absence during the previous proceedings and it is for that Court to consider his request either for recalling the warrant or for regular bail and this Court will not be justified in stalling the legal proceedings initiated by the Court below to secure the presence of the petitioner. In the result, this M.C. is disposed of relegating the petitioner to approach the court of Judicial First Class Magistrate-I, Ettumanoor and he can surrender before the said court, if he is so advised, and seek orders to recall the NBW if any pending or for regular bail. Accordingly, there will be a direction to the learned Magistrate that, in the event of the petitioner surrender before that court and file an application to recall the warrant or for regular bail, or

both, the same shall be considered on merit and pass appropriate orders thereon, on the date of his surrender itself. Sd/- V.K.MOHANAN, JUDGE AS

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