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Alan Philip Vs. State of Kerala

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Court : Kerala

Decided On : Jan-31-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Alan Philip

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN FRIDAY, THE31T DAY OF JANUARY201411TH MAGHA, 1935 Crl.MC.No. 622 of 2014 ---------- CMP NO. 6047/2013 OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM. CRIME NO. 2131/2013 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM ---------- PETITIONER/ACCUSED A2: ---------- ALAN PHILIP, AGED48YEARS, S/O.PHILIP, MARUTHI VEEDU, THATTINAKAM, NACHIRA, ULLUR, THIRUVANANTHAPURAM (TC24540 NEAR THYCAUD POST OFFICE, THIRUVANANTHAPURAM). BY ADV. SRI.R.T.PRADEEP RESPONDENT: ---------- THE STATE OF KERALA, REPRESENTED BY THE S.I.OF POLICE, CENTRAL POLICE STATION, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.S.HYMA. THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON3101-2014, ALONG WITH CRMC NO. 631/2014 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. Crl.MC.No. 622 of 2014 ---------- APPENDIX

---------- PETITIONER(S)' ANNEXURES: ---------- ANNEXURE-I : TRUE COPY OF THE

ORDER
DATED0512.2013 IN C.M.P.NO.6047/2013. ANNEXURE-II : TRUE COPY OF THE

ORDER
DATED1712.2013 IN B.A.NO.8495/2013. ANNEXURE-III: TRUE COPY OF THE RENT AGREEMENT DATED1504.2013. RESPONDENT(S)' ANNEXURES: ---------- NIL //TRUE COPY// P.A.TO JUDGE. Msd. K. Ramakrishnan, J.

========== Crl.M.C.Nos.622, 631, 632, 634 & 635 of 2014 ========== Dated this, the 31stday of January, 2014.

ORDER

These applications were filed by 2nd accused in Crime Nos. 2131/13, 2171/13, 2206/13, 2221/13 & 2008/13 of Central Police Station, Ernakulam to modify the condition imposed by the Chief Judicial Magistrate, Ernakulam in the common Annexure-A1 order under Section 482 of Code of Criminal Procedure.

2. It is alleged in the petition that the present petitioner is 2nd accused in the above crimes and cases have been registered against him along with accused Nos.1 & 3 alleging that they have committed the offence punishable under Sections. 406, 420 read with Section 34 of Indian Penal Code. He had filed bail applications in the above cases and all the bail applications were disposed of by the learned Chief Judicial Magistrate, Ernakulam by Annexure-A1 common order with conditions inter alia that the petitioner shall appear before the investigating officer on every Sunday between 9 a.m and 10 a.m for a period of 3 months or till the filing of the report under Section 173 of Code of Criminal Procedure whichever is earlier. According to the petitioner, he is a native of Trivandrum and it is difficult for him to appear before Crl.M.C.Nos.622,631,632,634&635/14 :

2. : the investigating officer on all Sundays. So he wants to modify that condition by this court invoking the power under Section 482 of Code of Criminal Procedure.

3. Heard the Counsel for the petitioner and the learned Public Prosecutor.

4. The counsel for the petitioner submitted that it will be difficult for him to appear on all Sundays as he has to come from Trivandrum for this purpose and he has to appear before some other investigating officer also in connection with some other crimes of similar nature. The applications were opposed by the Public Prosecutor.

5. I have considered the contentions of both parties.

6. The petitioner is residing in Mannanthala in Trivandrum District. He has to travel a long distance every week for complying with the condition. That will involve great financial expenses to him as well. Though it may not be a ground for modifying the condition, the purpose of appearance has to be considered. There is nothing mentioned in the condition as to whether it is required for any interrogation. So, while modifying the condition, I feel that imposing a condition to appear before the investigating officer as and when required Crl.M.C.Nos.622,631,632,634&635/14 :

3. : for the purpose of interrogation in connection with the case on prior notice will be sufficient and that will meet the interest of justice. So condition No.4 in all these cases is modified as follows: (i) The petitioner is directed to appear before the investigating officer on the last Saturday of every month between 11 a.m and 12 noon for a period of 3 months or till the final report is filed whichever is earlier. (ii) The petitioner shall also appear before the investigating officer as an when required by the investigating officer for the purpose of interrogation in connection with the investigation of the above cases in writing to do so till the final report is filed. With the above modifications, the applications are disposed of. Sd/- K.Ramakrishnan, Judge. Bb [True copy] P.A to Judge

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