

Rajesh vs State of Kerala

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Court : Kerala

Decided On : Mar-01-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/2101/2024

Appellant : Rajesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 1ST DAY OF MARCH 2024 / 11TH PHALGUNA, 1945 CRL.MC NO. 2101 OF 2024 CRIME NO.1051/2015 OF Ernakulam South Police Station, Ernakulam AGAINST THE ORDER/JUDGMENT DATED IN CC NO.29 OF 2016 OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE (E&O),ERNAKULAM PETITIONER/S: RAJESH AGED 45 YEARS S/O CHANDY, PARACKKAL HOUSE, EDIYAZHIKKAPUZHA, KANGZHA VILLAGE, KOTTAYAM, PIN - 686541 BY ADV P.A.MUJEEB

RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 OTHER PRESENT: SRI. M.C. ASHI (PP) THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.03.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== Crl.M.C.No.2101 of 2024
----- Dated this the 1st day of March 2024

ORDER

Petitioner is the 2nd accused in C.C.No.29/2016 on the files of the Chief Judicial Magistrate Court (Economic Offences), Ernakulam. The offences alleged against the petitioner are under Sections 417, 420 r/w Section 34 of the Indian Penal Code, 1860.

2. Due to non-appearance of the petitioner, a non-bailable warrant has been issued against him. Even though petitioner is willing to appear and participate in the trial, he apprehends that he will be remanded to custody.

3. Having heard learned Counsel for the petitioner and the learned Public Prosecutor, I am of the view that this Crl.M.C. can be disposed of with a direction.

4. Since the petitioner has expressed his willingness to participate in

the trial, there will be a direction to the learned Additional Chief Judicial Magistrate (E & O), Ernakulam to consider the applications for recall of warrant and for grant of bail, if any filed by the petitioner, on the same day itself, provided such applications are filed within 15 days from today. To enable the petitioner to appear before the Magistrate as directed, the non- bailable warrant issued against the petitioner shall be kept in abeyance for a period of 15 days from today. The Crl.M.C. is disposed of accordingly. sd/ BECHU KURIAN THOMAS JUDGE jm/
APPENDIX OF CRL.MC 2101/2024 PETITIONER ANNEXURES Annexure A1
COPY OF THE E COURTS PROCEEDINGS IN C C NO. JUDICIAL

MAGISTRATE COURT (EO), ERNAKULAM Annexure A2 COPY OF THE DISCHARGE SUMMARY OF THE PETITIONER'S FATHER ISSUED FROM MEDICAL COLLEGE, KOTTAYAM DATED 30/06/2023

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