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Azeez vs State of Kerala

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Court : Kerala Orders

Decided On : Apr-12-2024

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Crl.MC/3503/2024

Appellant : AZEEZ

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 12TH DAY OF APRIL 2024 / 23RD CHAITHRA, 1946 SC NO.38 OF 2024 OF SUB DIVISIONAL MAGISTRATE, OTTAPPALAM PETITIONER/ RESPONDENT : AZEEZ AGED 60 YEARS S/O HAMSA, 374, MALLIYIL HOUSE, VTC KUMARAMPUTHUR P.O, MANNARKAD, PALAKKAD, PIN - 678 762 BY ADVS. P.A.MOHAMMED ASLAM E.B.THAJUDDEEN ARTHUR B. GEORGE MIDHUN MOHAN SARATH SASI IRSHAD V.P. RESPONDENT/ COMPLAINANT : STATE OF KERALA THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031 BY SRI. M.C. ASHI, PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE

HAVING COME UP FOR ADMISSION ON 12.04.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

Crl.M.C.No.3503 of 2024 Dated this the 12th day of April, 2024

ORDER

Petitioner is challenging Annexure A1 order issued by the Sub Divisional Magistrate, Ottappalam under Section 111 of the Cr.P.C.

2. A perusal of the impugned order reveals that it is only a show cause notice asking the petitioner to show cause why he should not be

called upon to execute a bond under Section 107 of the Cr.P.C. It is evident from a reading of the aforesaid order that petitioner was asked to appear on 04.04.2024.

3. Sri.Mohammed Aslam P.A., the learned counsel for the petitioner while assailing the impugned order submitted that pursuant to the above

order of the Sub Divisional Magistrate, petitioner had appeared and filed

an objection as well. However, he apprehends that the procedure contemplated under law will not be followed by the Sub Divisional Magistrate, since without complying with the said procedure, petitioner is being insisting upon to execute a bond.

4. Having heard the learned counsel for the petitioner as well as

the learned Public Prosecutor, I am of the view that the apprehension of the petitioner that without complying with the procedure contemplated under the statute, the Sub Divisional Magistrate will insist on the petitioner is without any basis. Once a show cause notice under Section 111 of the Cr.P.C. is issued, necessarily, the Magistrate will have to follow the procedure contemplated under

law especially when an obligation is

filed. Therefore, the apprehension is without any basis and I find no reason to interfere with Annexure A1 order, at this stage. Accordingly, this Crl.M.C.is dismissed. Sd/- BECHU KURIAN THOMAS, JUDGE RKM APPENDIX OF CRL.MC 3503/2024 PETITIONER'S ANNEXURES : Annexure A1 TRUE COPY OF THE NOTICE RECEIVED BY THE PETITIONER IN M.C. NO. 38/2024 DATED Annexure A2 TRUE COPY OF THE FIR IN CRIME NO. Annexure A2(a) TRUE COPY OF THE FIR IN CRIME NO.

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