

M.E.Badisha vs State of Kerala

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Court : Kerala

Decided On : Aug-01-2023

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Crl.MC/6138/2023

Appellant : M.E.Badisha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945 CRL.MC NO. 6138 OF 2023 CRIME NO.83 of 1995 of ADHUR POLICE STATION LPC 13/2014 OF JUDICIAL MAGISTRATE OF FIRST CLASS-I, KASARAGOD PETITIONER/ACCUSED: M.E.BADISHA AGED 46 YEARS S/O.IBRAHIM, MOOLA HOUSE, MANJAPPARA, ADHUR, KASARAGOD, NOW R/AT CHEVAR HOUSE, P.O.KUDALMARKALA, KUDALMARKALA, KASARGOD., PIN - 671324 BY ADV A.ARUNKUMAR RESPONDENT/STATE/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT

OF KERALA, PIN - 682031 SMT. NEEMA T V, SR PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01.08.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.M.C No.6138 of 2023 2

ORDER

The petitioner is the accused in L.P No.13 of 2014 on the file of the Judicial First Class Magistrate - I, Kasaragod. He is being proceeded against for having committed offences punishable under Sections 143, 147, 323, 324, 427 r/w 149 of the Indian Penal Code.

2. The petitioner states that due to the failure of the petitioner to

appear before the learned Magistrate, the case has been included in the list of Long Pending Cases. It is also submitted that the co-accused have been acquitted by the learned Magistrate. The petitioner states that he is prepared to appear before the court below and seek bail, and his request is for issuance of directions to the learned Magistrate to consider his applications on the date of surrender itself.

3. I have heard Sri. A. Arunkumar, the learned counsel appearing for the petitioner and the learned Public Prosecutor.

4. Having regard to the facts and circumstances and the submissions

made across the bar, this petition is disposed of by ordering as under: a) The petitioner shall surrender before the jurisdictional court CrI.M.C No.6138 of 2023 3 within two weeks from today. b) If applications for recalling the warrant and for grant of bail is preferred before the court with advance notice to the concerned Prosecutor, the learned Magistrate shall consider the same and pass appropriate orders in accordance with the law, ideally on the date of surrender itself.

(c) In order to enable the petitioner to appear before the court below, coercive proceedings pending against the petitioner shall be kept in abeyance for a period of two weeks.

Sd/- RAJA VIJAYARAGHAVAN V, JUDGE IAP CrI.M.C No.6138 of 2023 4
APPENDIX OF CRL.MC 6138/2023 PETITIONERS ANNEXURES: Annexure AI A
TRUE COPY OF THE MARRIAGE INVITATION OF THE PETITIONER'S
DAUGHTER

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