

Anshad 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/6143/2023

Appellant : Anshad

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. 6143 OF 2023 LP 5/22 IN CC 564/2015 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I (FOREST OFFENCES), THODUPUZHA

PETITIONER/ACCUSED: ANSHAD S/O KABEER, AGED 43 YEARS KANNAPARAMBIL (H), THEKKETHARA, ARUVITHARA P.O, ERATTUPETTA, PIN -686122. BY ADVS. P.M.RAFEEK SARA JOHN
RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 SRI VIPIN NARAYAN, 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.6143 of 2023 2

ORDER

The petitioner is the sole accused in C.C No.564 of 2015 on the file of the Judicial First Class Magistrate - I, Thodupuzha. He is proceeded against for having committed offense punishable under Section 420 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. The petitioner states that he is prepared to appear before the court below and seek bail. His prayer in this petition is for issuance of directions to the learned Magistrate to consider his applications on the date of surrender itself.

3. I have heard Sri. P.M Rafeek, 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 within two weeks from today. b) If applications for recalling the warrant and for grant of bail are CrI.M.C No.6143 of 2023 3

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 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.6143 of 2023 4
APPENDIX OF CRL.MC 6143/2023 PETITIONERS ANNEXURES: Annexure A1
TRUE COPY OF THE COMPLAINT DATED 31/10/2014 FILED BY THE
COMPLAINANT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT
I, THODUPUZHA

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