

Arun R. Kumar vs State of Kerala

Arun R. Kumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1386521

Court : Kerala

Decided On : Aug-25-2023

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Crl.MC/7076/2023

Appellant : Arun R. Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V FRIDAY, THE 25TH DAY OF AUGUST 2023 / 3RD BHADRA, 1945 CRL.MC NO. 7076 OF 2023 CRIME NO.885/2015 OF ELAMAKKARA POLICE STATION, ERNAKULAM AGAINST LP NO.22/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II, ALUVA PETITIONER/ACCUSED : ARUN R. KUMAR AGED 36 YEARS S/O RAVIKUMAR, KANNAMKARAYIL HOUSE, KALLUMALAKARA, THAZHAKKARA, MAVELIKKARA, ALAPPUZHA, PIN - 690102

BY ADVS. C.Y.VINOD KUMAR VIVEK K.VIJAYAN RESPONDENTS/STATE & INVESTIGATING OFFICER : 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 THE

SUB INSPECTOR OF POLICE ELAMAKKARA POLICE STATION, ELAMAKKARA, ERNAKULAM, PIN - 682026 SRI. T.R. RANJITH, SR.PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25.08.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Crl.M.C.No.7076 of 2023 2

ORDER

The petitioner herein is the accused in L.P. No.22 of 2022 on the files of the Judicial First Class Magistrate-II, Aluva. In the aforesaid case, he is facing prosecution for having committed the offences punishable under Sections 420 and 406 r/w Section 34 of the IPC.

2. Owing to the failure of the petitioner to appear before the learned

Magistrate, coercive proceedings have been initiated. The petitioner states that he is prepared to appear before the court and co-operate with the proceedings. 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. C.Y. Vinod Kumar, 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 three 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 Crl.M.C.No.7076 of 2023 3 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 NS CrI.M.C.No.7076 of 2023 4
APPENDIX OF CRL.MC 7076/2023 PETITIONER ANNEXURES : Annexure A1
COPY OF THE FINAL REPORT IN LP NO. 22/22 ON THE FILE OF THE
JUDICIAL FIRST-CLASS MAGISTRATE'S COURT - II, ALUVA, ERNAKULAM

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com