

Krishnan P. V. vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2022

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Crl.MC/518/2022

Appellant : Krishnan P. V.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943 CRL.MC NO. 518 OF 2022 LP 121/2005 OF JUDICIAL FIRST CLASS MAGISTRATE COURT, KODUNGALLUR CRIME NO. 15/2000 OF MATHILAKAM POLICE STATION PETITIONER/2ND ACCUSED: KRISHNAN P. V. AGED 71 YEARS S/O. VELAYUDHAN P., PULLUVEETIL, NATTIKA, THRISSUR, NOW RESIDING AT KOLALAMB, EDAPPAL, MALAPPURAM - 679 576. BY ADV. C.Y.VINOD KUMAR(K/652/2008) RESPONDENTS/STATE & I.O.:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 STATION

HOUSE OFFICER MATHILAKAM POLICE STATION, BLOCK ROAD, MATHILAKAM, THRISSUR - 680 685. BY SMT. SREEJA V., SENIOR PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31.01.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: CrI.M.C.No.518 OF 2022 2

ORDER

Petitioner is the second accused in Crime No. 15/2000 of Mathilakam police station which was lodged in the Judicial First Class Magistrate, Kodungallur. On conclusion of investigation, charge sheet was laid before the Judicial First Class Magistrate's Court, Kodungallur alleging offence under Section 420 read with 34 of the Indian Penal Code against three accused persons. The learned counsel for the petitioner submits that the petitioner had shifted residence to Edappal in Malappuram district, he was totally unaware of the pendency of the criminal proceedings against him, that now only he knew about the proceedings, when warrant was repeated against him after transferring the case to the Register of long pending cases where the case is now pending as L.P. No.

before the Court and the limited prayer of the petitioner is that the bail application moved by him may be directed to be considered on the same day.

2. I heard the learned counsel for the petitioner and also CrI.M.C.No.518 OF 2022
3 the learned Senior Public Prosecutor.

3. It is submitted that the petitioner is a 71 year old man,

that accused Nos. 1 and 3 have already passed away. Even though, it is submitted that he was totally unaware of the pendency of the proceedings is not at all convincing, so long as final report has already been laid and considering the age of the petitioner and the nature of the offence attracted, it does not seem that his custodial trial would be

necessary. Anyhow, the learned Magistrate can take a call on it, after considering the various aspects of the matter.

4. If the petitioner surrenders before Court within a period

of ten days after giving advance notice to the Public Prosecutor and moves an application for bail, that shall be considered and disposed of by the learned Magistrate on the same day, bearing in mind the dictum laid down in Siddharth v. State of Uttar Pradesh and Another [2021(5) KHC 353 (SC)]. The CrI. M.C. is disposed of as above. Sd/- K.HARIPAL
JUDGE

DCS/31.01.2022 CrI.M.C.No.518 OF 2022 4 APPENDIX PETITIONER'S ANNEXURE ANNEXURE A1 TRUE COPY OF THE FINAL REPORT IN LP NO.121/2005 ON THE FILE OF JFMC, KODUNGALLUR.

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