

Radhakrishnan Vs. State of Kerala

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Court : Kerala

Decided On : Jun-05-2015

Judge : Honourable Mr. Justice Alexander Thomas

Appellant : Radhakrishnan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE ALEXANDER THOMAS FRIDAY, THE5H DAY OF JUNE201515TH JYASHTA, 1937 OP(Crl.).No.172 of 2015 (Q) ----- CC NO.1744/2013,CC NO.2014/2013,CC NO.1954/2013,CC NO.2486/2013,CC NO.2696/2013,CC NO.1759/2013,CC NO.1958/2013,CC NO.1956/2013,CC NO.72/2013 AND CC NO.1639/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT,CHAVAKKAD. .. PETITIONER: ----- RADHAKRISHNAN,AGED64YEARS,S/O.NARAYANAN, SANDHIMADOM,THEKKENALUVAZHI,NORTH PARAVUR, ERNAKULAM DISTRICT. BY ADV.SRI.V.A.PRADEEP KUMAR RESPONDENT'S: ----- 1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM, KOCHI-682 031.

2. SUB INSPECTOR OF POLICE, GURUVAYOOR POLICE STATION,PIN-680 101. BY GOVT.PLEADER SMT.SAREENA GEORGE. THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON0506-2015, THE COURT ON THE

SAME DAY DELIVERED THE FOLLOWING: pk OP (Crl.).No.172 of 2015 (Q)
APPENDIX PETITIONER'S EXHIBITS: P1 - TRUE COPY OF CHARGE IN C.C. NO.1744/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHAVAKKAD. P2 - TRUE COPY OF CHARGE IN C.C. NO.2014/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHAVAKKAD. P3 - TRUE COPY OF CHARGE IN C.C. NO.1954/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHAVAKKAD. P4 - TRUE COPY OF CHARGE IN C.C. NO.2846/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHAVAKKAD. P5 - TRUE COPY OF CHARGE IN C.C. NO.2696/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHAVAKKAD. P6 - TRUE COPY OF CHARGE IN C.C. NO.1759/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHAVAKKAD. P7 - TRUE COPY OF CHARGE IN C.C. NO.1958/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHAVAKKAD. P8 - TRUE COPY OF CHARGE IN C.C. NO.1956/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHAVAKKAD. P9 - TRUE COPY OF CHARGE IN C.C. NO.72/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHAVAKKAD. P10 - TRUE COPY OF CHARGE IN C.C. NO.1639/2013 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHAVAKKAD. P11 - TRUE COPY OF

JUDGMENT

IN CRL. M.C.NO.3017/2015 DATED 26.5.2015 OF THIS HONOURABLE COURT.
P12 - TRUE COPY OF

JUDGMENT

DATED 5.5.2015 IN OP (CRL) NO.137/2015 OF THIS HONOURABLE COURT. P13 - TRUE COPY OF MEDICAL CERTIFICATE DATED 19.9.2013 ISSUED BY DR. GEORGE THAYYIL, LOURDES HOSPITAL, ERNAKULAM. RESPONDENT'S EXHIBITS: NIL // TRUE COPY // P.S. TO JUDGE pk ALEXANDER THOMAS, J.

===== O.P(Crl.)No. 172 of 2015 ===== Dated
this the 5th day of June, 2015

JUDGMENT

The petitioner herein is accused in ten cases as per Exts.P-1 to P-10 cases pending before the Judicial First Class Magistrate's Court-I, Chavakkad, registered for offences under Sec.420 of the I.P.C. It is averred that the petitioner is the chairman of M/s.Santhimadom Builders and Developers Trust. According to the petitioner, he could not carry out the construction of villas in time, of some clients and hence they have initiated criminal proceedings against the petitioner and that the court below issued arrest warrant in some cases. The petitioner along with his wife and son, had filed Crl.M.C.3017/2015 before this Court and as per Ext.P-11 order dated 26.5.2015 in the said Crl.M.C., the petitioner had to surrender before the court below without delay. It is further pointed out that one Sri.Rajesh Manu, the son of the petitioner, has filed O.P(Crl.) No.137/2015 to permit him to execute bail bonds in 12 cases in two sets of same sureties. According to the petitioner, he could O.P.Crl.172/15 - :

2. :- not arrange two set of sureties in 10 cases and hence the present O.P(Crl.) No.172/2015 has been instituted praying for direction to the court below to permit the petitioner to execute bail bones in two sets of same sureties in ten cases in the light of Ext.P-12 judgment dated 5.5.2015 of this Court rendered in O.P(Crl.)No.137/2015. The prayers in the present O.P(Crl.) are as follows: "i) direct the Judicial First Class Magistrate Court-I, Chavakkad to allow the petitioner to execute Bail Bond in two set of same sureties in (1) C.C.No.1744/2013, (2) C.C.No. 2014/2013, (3) C.C.No.1954/2013, (4) C.C.No.2486/2013, (5) C.C.No. 2696/2013, (6) C.C.No.1759/2013, (7) C.C.No.1958/2013, (8) C.C.No.1956/2013, (9) C.C.No.72/2013 and (10) in C.C.No.1639/2013 on the file of the Judicial First Class Magistrate'Court-I, Chavakkad in the interest of justice. (ii) and direct the Court below to allow the petitioner to execute bail bonds as per Exhibit P12 judgment dated 15.5.2015 in O.P(Crl.)No.137 of 2015 of this Honourable Court in the interest of justice." 2. Heard Sri.V.A.Pradeep Kumar, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. Ext.P-12 judgment rendered on 5.5.2015 by this Court in O.P(Crl.)No.137/2015 filed by one Rajesh Manu, the son of the petitioner herein, reads as follows: "The petitioner herein is involved as accused in twelve cases. Now he wants to surrender before the learned Magistrate. His apprehension is that the learned

Magistrate will insist on production O.P.Crl.172/15 - :

3. :- of different sets of sureties. The legal position is covered by a decision of this Court. What is important is not the number of sureties, but their solvency to the extent fixed by the trial court for bond in all the cases. The petitioner can very well surrender before the learned Magistrate, place the decision of this Court before the learned Magistrate, and if the two sureties are really solvent to the extent of the bond imposed by the learned Magistrate in the twelve cases, he will be released on the bond of those sureties. With these observations, this Original Petition is closed." 4. In consonance and in tune with the directions and observations rendered by this Court in Ext.P-12 judgment dated 5.5.2015, it is ordered what is most important is not the number of sureties, but their solvency to the extent fixed by the court below concerned for bond in all the ten cases. It is for the petitioner to surrender before the learned Magistrate and place decision of this Court, which deals with this aspect of the matter and as observed by this Court in Ext.P-12 judgment, if two sureties are really solvent to the extent of the amount in all the ten cases, then the further aspects of the matter have to be considered by the learned Magistrate on that basis as clearly observed by this Court in Ext.P- 12 judgment. It is open to the petitioner to place a copy of Ext.P-12 judgment of this Court as well as other court rulings in similar cases. It is further ordered in the interest of justice that the time limit imposed by this Court in Ext.P-11 to enable the petitioner to O.P.Crl.172/15 - :

4. :- surrender before the court below order will stand extended upto 6.7.2015. With these observations and directions, the O.P(Crl.) stands finally disposed of.
Sd/- sdk+ ALEXANDER THOMAS, JUDGE ///True copy/// P.S. to Judge

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