

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.Q.BARKATH ALI

WEDNESDAY, THE 30TH DECEMBER 2009 / 9TH POUSHA 1931

Crl.MC.No. 4232 of 2009()

CC.129/2008 of CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM

.....

PETITIONER:

AKHI I MANOHAR, AGED 19 YEARS,
SON OF MANOHARAN, RESIDING AT
THYPLAVILA MELATHIL, MARANADU P.O.,
EZHUKONE, KOTTARAKKARA TALUK, KOLLAM DISTRICT.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENT:

STATE OF KERALA, REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION.

BY PUBLIC PROSECUTOR SRI. C.M. KAMAPPU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/12/2009, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.Q BARKATH ALI,J.

Crl.M.C No.4232 of 2009

Dated this the 30th December,2009

O R D E R

Petitioner is the 1st accused in C.C No.129/2008 of the Chief Judicial Magistrate Court, Kollam. He was charge sheeted by the Sub Inspector of Police alleging commission of offences punishable under Section 323 r/w. Section 34 of Indian Penal Code.

2. It is alleged in the petition that the petitioner is unaware of the case pending against him, that now he came to know that a non-bailable warrant is pending against him and proceedings under Sections 82 and 83 of the Code of Criminal Procedure are initiated against him, that petitioner is now ready to surrender before the Magistrate, that petitioner apprehends that if he surrenders, he will be remanded to judicial custody. He prays that the Magistrate may be directed to consider his bail application on the date of surrender itself.

3. Heard learned counsel for the petitioner and learned Public Prosecutor.

4. I feel that in the interest of justice, petition should be allowed.

In the result, the petition is allowed. Petitioner shall surrender before the trial court on or before 15.1.2010. On such surrender and if he files a bail application, the trial court shall dispose of the bail application on the date of surrender itself.

P.Q BARKATH ALI, JUDGE

ma

