

(2011) 06 KL CK 0006
In the High Court Of Kerala
Case No : Criminal M.C. No. 1579 of 2011

K.S. Remadevi

APPELLANT

Vs

K.G. Ponnann and State of Kerala

RESPONDENT

Date of Decision : 01-06-2011

Acts Referred:

Negotiable Instruments Act, 1881 (NI) — Section 138
Penal Code, 1860 (IPC) — Section 420

Citation : (2011) 06 KL CK 0006

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

Advocate : M.K. Chandra Mohandas, for the Appellant; No Appearance, for the Respondent

Judgement

Thomas P. Joseph, J.—Petitioner is accused in C.C. No. 835 of 2010 of the court of learned Judicial First Class Magistrate-II, Ernakulam for offences punishable u/s 138 of the Negotiable Instruments Act and Section 420 of the Indian Penal Code. Petitioner could not appear in the trial court on account of her illness. Though petitioner sought exemption from appearance that was rejected. Learned Magistrate has issued a non-bailable warrant to the petitioner. In this proceeding petitioner seeks to set aside the order dated May 20, 2011 issuing warrant to her and time to appear before the learned Magistrate. I have heard learned Counsel for petitioner and the learned Public Prosecutor.

2. I do not find reason to interfere with the order issuing warrant since that is an order passed by the learned Magistrate in his discretion having regard to the facts and circumstances of the case. But I am inclined to grant some time to the petitioner to appear before the learned Magistrate. Resultantly, Criminal Miscellaneous Case is disposed of granting petitioner a month's time from this day to appear before learned Judicial First Class Magistrate-II, Ernakulam and seek regular bail/recall the warrant. Application for bail/recall of warrant if any preferred by the petitioner shall be disposed of by the learned Magistrate as

expeditiously as possible. Non-bailable warrant issued to the petitioner will stand in abeyance during the said period of one month or till petitioner appears before the learned Magistrate, whichever is earlier.