

(2021) 04 KL CK 0107
In the High Court Of Kerala
Case No : Bail Application No. 1903 Of 2021

Vivek	Vs	APPELLANT
State Of Kerala And Ors		RESPONDENT

Date of Decision : 16-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 353, 506
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2021) 04 KL CK 0107

Hon'ble Judges : K. Haripal, J

Bench : Single Bench

Advocate : Abdul Jaleel A, E.C. Bineesh

Final Decision : Allowed

Judgement

1. This is an application filed by the sole accused in Crime No.53/2021 of Poochakkal Police Station, which was registered alleging offence punishable under Sections 353 and 506 of Indian Penal Code. The crime was registered on the basis of a complaint given by the Advocate Commissioner

appointed by the Munsiff's Court, Cherthala in O.S.No.617/2020. The Commissioner had visited the plaint schedule property along with the plaintiff.

Petitioner is the defendant in the suit. It is alleged that knowing about the visit of the Commissioner in the property, the petitioner reached there and

obstructed the Commissioner from the discharge of her duties and also threatened her.

2. I heard the learned counsel for the petitioner and also the learned Public Prosecutor.

3. According to the learned counsel, though the incident had happened on 23.12.2020, the complaint was reported only on 06.01.2021, which is the

result of an afterthought. Moreover, he did not know about the appointment of the Commissioner, that it was an ex-parte commission. Whatever it

may be, it is certain that the execution of a warrant issued by the court of law was tried to be obstructed by the petitioner and that gave rise to cause

of action for initiating criminal proceedings against the petitioner.

4. Having heard the counsel on both sides, I do not think that an order under Section 438 can be issued at this stage. However, the petitioner is

allowed to surrender before the investigating officer within a period of ten days from today. In that event, if his arrest is necessary that will be

recorded on that day itself and the investigation officer shall take follow up actions, as expeditiously as possible.

Subject to the above, the application is closed.