



2024:KER:68763

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 10TH DAY OF SEPTEMBER 2024 / 19TH BHADRA, 1946

CRL.MC NO. 2365 OF 2014

AGAINST THE PROCEEDINGS IN CC NO.1675 OF 2007
OF JUDICIAL MAGISTRATE OF FIRST CLASS - III, KOCHI
PETITIONER/ACCUSED IN CC 1675/07 OF JFCM-III, KOCHI:

ELIAS GEORGE, AGED 41 YEARS,
S/O. I.K.GEORGE, ILICKAL HOUSE, COCHIN
PALACE P.O., THRIPIUNITHURA-682301.

BY ADVS.
SRI.PRAVEEN K. JOY
SRI.T.A.JOY

RESPONDENT/STATE AND COMPLAINANT IN CC 1675/07:

- 1 STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, REPRESENTING SI OF POLICE,
THRIPIUNITHURA.
- 2 LORD KRISHNA BANK LTD.
KURIAN TOWER, BROADWAY, BANERJI ROAD,
ERNAKULAM, MERGED WITH H.D.F.C. BANK,
REVIPURAM, REP. BY MANAGER.

BY ADVS.
SRI.BINNY JOSEPH, SC
SRI.RENJITH T.R., SENIOR PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 10.09.2024, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:



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P.V.KUNHIKRISHNAN, J.

CrI.M.C. No.2365 of 2014

Dated this the 10th day of September, 2024

O R D E R

This Criminal Miscellaneous Case is filed to quash the proceedings in C.C. No.1675/2007 on the file of the Judicial First Class Magistrate Court – III, Kochi.

2. It is a prosecution initiated under Section 138 of the Negotiable Instruments Act. The counsel appearing for the petitioner submitted that, his information is that the matter is settled.

3. As per the e-court Service Website, the case is included in the Long Pending Register. In such circumstances, the petitioner has to regularise the case by surrendering before the court below and thereafter do the needful in accordance with law. If the petitioner surrenders before the jurisdictional



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court and files a bail application, there can be a direction to consider the bail application on the date of surrender itself.

Therefore, this Criminal Miscellaneous Case is disposed of in the following manner:

1. The petitioner is free to surrender before the jurisdictional court within 30 days from the date of receipt of a copy of this order.
2. The petitioner is free to file a bail application on the date of surrender itself with advance notice to the prosecutor concerned. If such a bail application is received, the court concerned will consider the same and pass appropriate orders in it on the date of surrender itself.
3. The warrant pending against the petitioner shall be kept in abeyance for a period of 30 days.



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4. All the contentions raised by the petitioner in this Crl.M.C. are left open and the petitioner is free to agitate the same before the trial court at the appropriate stage.

Sd/-

**P.V.KUNHIKRISHNAN
JUDGE**

DM



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APPENDIX OF CRL.MC 2365/2014

PETITIONER ANNEXURES

ANNEXURE I- THE TRUE COPY OF THE
NOTICE ISSUED BY LAWYER OF 2ND
RESPONDENT.

ANNEXURE II- THE COPY OF THE LETTER
DATED 21-8-99 OF THE 2ND RESPONDENT
BANK.

ANNEXURE III- THE TRUE PHOTOCOPY OF
THE LETTER DATED 6-3-2006 OF THE 2ND
RESPONDENT BANK.

ANNEXURE IV- THE TRUE PHOTOCOPY OF
THE WRITTEN STATEMENT OF GEORGE IN
OA 259/2004 OF DEBT RECOVERY
TRIBUNAL AT ERNAKULAM.

ANNEXURE V- THE TRUE PHOTOCOPY OF
THE COMPLAINT IN CC 1675/2007 OF
JFMC-III, KOCHI.

RESPONDENTS EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE