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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2015
CORAM:
THE HONOURABLE MRS.JUSTICE S.VIMALA

Criminal Revision Case (MD)No.443 of 2015

S.Sivanesan .. Appellant/Accused

Vs.

K.Dheenasenan .. Respondent/Complainant

Revision is filed under Section 397 and 401 Cr.P.C. to call for the records in Crl.M.P.No.954 of 2015 in Crl.A.No.51 of 2015 on the file of the Principal District Judge, Karur, dated 14.09.2015 and set aside the same.

For Petitioner : Mr.K.P.S.Palanivel Rajan

ORDER

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By the order dated 14.09.2015 passed in Crl.M.P.No.954 of 2015 in Crl.A.No.51 of 2015, the learned Principal Sessions Judge, Karur has directed the accused to surrender before the learned Magistrate and file necessary application before the learned Magistrate under Section 70(2) Cr.P.C.

2.This order is under challenge in this revision petition. The petitioner herein was ordered to undergo simple imprisonment for a period of six months for the offence under Section 138 of Negotiable Instruments Act. It appears that on the day of Judgment, the petitioner did not appear before the Court and that made the learned Sessions Judge, to pass an order directing him to appear before the trial Court.

3.The learned counsel for the revision petitioner would submit that the petitioner being a Government servant was afraid of the imprisonment and the consequences of loosing the job and therefore, he did not appear before the Court. This fear is a reasonable fear, but he should have filed necessary application through his counsel. But that has not been done. However, there is an assurance that whenever needed, he would appear before the Court below. This undertaking is recorded.

4.Hence, the order passed by the learned Sessions Judge directing the petitioner to surrender before the learned Magistrate is hereby set aside. The personal appearance of the accused before the trial Court is dispensed with and he is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate (Fast Track Court), Karur.

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5.The Criminal Revision Petition is allowed.

Sd/-
Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

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To

1.The Principal Sessions Judge, Karur.

2.The Judicial Magistrate(Fast Track Court)Karur.

+1cc to Mr. K.P.S.Palanivel Rajan, Advocate Sr No.57035

Crl.R.C.(MD)No.443 of 2015
29.09.2015

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