

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Thirty First day of October Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.10346 of 2017

IN CRL RC.1099/2017

SUNIL KUMAR.C

[PETITIONER]

Vs

1 ABDUL KHADER.M.A

[RESPONDENT]

2 THE STATE REPRESENTED THROUGH
THE PUBLIC PROSECUTOR,
PUDUCHEERY.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.1099/2017 on the file of the High Court, the High Court will be pleased to exempt the petitioner from surrendering before the court of II Addl.Sessions Judge, Puducherry dated 02.03.2017 in C.A.No.39 of 2014 confirming the conviction and sentence passed by the Learned Judicial Magistrate at Mahe, in S.T.R.No.2019/2013 dated 17.10.2014 pending disposal of the above CRL RC.1099/2017 [IN CRL.MP.NO.10346 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.1099/2017 on the file of the High Court and upon hearing the arguments of M/S.C.V.KUMAR, Advocate for the petitioner and of NO APPEARANCE [FOR R-1] PUBLIC PROSECUTOR [FOR R-2] on behalf of the Respondent the court made the following order:-

The petitioner, who stands convicted for offence under Section 138 of the Negotiable Instruments Act, seeks exemption from surrendering to custody, as a pre-condition for consideration of his bail application moved in the revision case preferred by him before this Court.

2. Considering the facts and circumstances of the case and the earlier decision of this Court in the case of **Easwaramurthy Vs. N.Krishnaswamy (2006) CRI.L.J.4105** which in turn relied on the decision of the Apex Court in **Bihari Prasad Singh Vs. State of Bihar (2000) SCC (Cri) 1380**, this Court considers it appropriate to allow this petition as prayed for.

3. Accordingly, the petitioner shall not be required to surrender before the trial Court, as per the judgment of the appellate Court dated 02.03.2017, pending disposal of the main revision.

-sd/-
31/10/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE II ADDITIONAL SESSION
JUDGE, PUDUCHERRY.

2 THE JUDICIAL MAGISTRATE,
MAHE.

3 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR,
PUDUCHEERY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.C.V.KUMAR Advocate on payment of necessary charges

Order

in
CRL MP.10346/2017

in
CRL RC.1099/2017

Date :31/10/2017

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

MK:06/11/2017