

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr Justice S.VIMALA

CRIMINAL MISCELLANEOUS PETITION No.13945 of 2017

IN CRL RC.1416/2017

M.KIRUBAKARAN

[PETITIONER]

Vs

1 M/S.SARAVANA AGENCIES,
A PROPRIETRIX CONERN,
REP BY ITS POWER OF ATTORNEY,
AGENT MR. P. SARAVANAN,

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to Exempt the petitioner to surrender the petitioner to undergo the sentence of imprisonment imposed in the judgment dated 25.10.2016 in C.C.No.135/2016 on the file of Judicial Magistrate No.III, Salem and the same was confirmed in the judgment dated 01.09.2017 in C.A.No.106/2016 on the file of III, Additional Sessions Judge, Salem pending disposal of the above Crl.RC.No.1416/2017.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.R.NALLIYAPPAN, Advocate for the petitioner 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 Court below, dated 25.10.2016, pending disposal of the main revision.

-sd/-
09/11/2017

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 JUDICIAL MAGISTRATE,
NO.III, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE III, ADDITIONAL SESSIONS
JUDGE, SALEM.

C.C. To M/S.R.NALLIYAPPAN, Advocate on payment of necessary charges

Order

in
CRL MP.13945/2017

in
CRL RC.1416/2017

Date :09/11/2017

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THS : 13.11.2017