

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.16194 of 2017

IN CRL RC.1064/2017

BOOMINATHAN,

[PETITIONER/APPELLANT/ACCUSED]

Vs

1 NALLASIVAM (DIED)
S/O.SHANMUGASUNDARAM,
NO.1/136, POST OFFICE ROAD,
CHENNAI-96.

[RESPONDENT]

2 STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
CRIME NO.102/2005.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.1064 OF 2017 on the file of the High Court, the High Court will be pleased to grant an order of exemption from surrendering the petitioner before the trial court pursuant to the judgement, dated 27.03.2015 in C.C.No.233/2006 on the file Judicial Magistrate No.1, Poonamallee.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1064 of 2017 on the file of the High Court and upon hearing the arguments of MR.GOPALA KRISHNA LAKSHMANA RAJA, SENIOR COUNSEL FOR M/S.R.RADHA PANDIAN, Advocate for the petitioner and of Mr.G.RAMAR, Government Advocate (Crl.Side) for the 2nd Respondent the court made the following order:-

Petitioner, who stands convicted for offences under Section 138 of 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. Accordingly, the petitioner shall not be

required to surrender before trial Court, as per order dated 05.07.2017 in C.A.No.35 of 2015, pending disposal of the main revision.

-sd/-
15/02/2018

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.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE,
THIRUVALLUR. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,

C.C. to M/S.R.RADHA PANDIAN Advocate on payment of necessary charges

Order

in
CRL MP.16194/2017

in
CRL RC.1064/2017

Date :15/02/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 15.02.2018