

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.16665 of 2017

IN CRL RC.1618/2017

A.SENTHIL KUMAR,

[PETITIONER]

Vs

A.MUTHU,
S/O.M.AZHAGAPPAN,

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to exempt the petitioner from surrendering before the trial court in view of the order of the Learned II Additional District and Sessions Judge, Tiruppur in C.A.No.117 of 2016 dated 31.07.2017 confirming the conviction and sentence passed by the Learned Judicial Magistrate No.II, Tiruppur made in C.C.No.656 of 2012 dated 04.10.2016 pending disposal of the above Criminal Revision Petition

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.J.FRANKLIN, Advocate for the petitioner and of MR. K. MYILSAMY, Advocate on behalf of the 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 31.07.2017 in C.A.No.117 of 2017,

pending disposal of the main revision.

-sd/-
20/03/2018

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 II ADDITIONAL DISTRICT
AND SESSIONS JUDGE AT TIRUPPUR

2 THE JUDICIAL MAGISTRATE,
NO.II, TIRUPPUR

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

C.C. to M/S.J.FRANKLIN Advocate on payment of necessary
charges

Order
in
CRL MP.16665/2017
in
CRL RC.1618/2017

Date :20/03/2018

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MD: 20/03/2018