

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.1401 of 2018

IN CRL RC.167/2018

T.SUNDARAJ

[PETITIONER]

Vs

K.SENNIAPPAN

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.167/2018 on the file of the High Court, the High Court will be pleased to exempt him for surrendering pursuant to the judgment dated 31.07.2017 of the II Additional District crum sessions Judge, Tiruppur in Crl.Appeal No.47 of 2015 confirming the judgment of the Judicial Magistrate, Palladam in C.C.No.192 of 2005 dated 07/03/2015 pending disposal of the above CRL RC.167/2018 [IN CRL.MP.NO.1401 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.167/2018 on the file of the High Court and upon hearing the arguments of M/S.T.S.GOPALAN AND CO, Advocate for the petitioner, 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.47 of 2015, pending disposal of the main revision.

-sd/-
06/02/2018

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 II ADDITIONAL DISTRICT
CUM SESSIONS JUDGE, TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
PALLADAM.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUPPUR [FOR INFORMATION]

+1C.C. to M/S.T.S.GOPALAN AND CO Advocate on payment of
necessary charges SR NO.2487

Order

in
CRL MP.1401/2018

in
CRL RC.167/2018

Date :06/02/2018

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MK:07/02/2018