

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V.MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.2969 of 2018

IN CRL RC.268/2018

K.MANOCHARAN

[PETITIONER]

Vs

D.AMIRTHA RAJ

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.268/2018 on the file of the High Court, the High Court will be pleased to exempt the petitioner to surrender before the Appellate Court on the judgement dated 18.01.2018 made in C.A.No.152/2017 on the file of III Additional District and Sessions Judge, Coimbatore confirming the judgment dated reversing the Judgement in C.C.No.743/2017 on the file of Judicial Magistrate No.II, Coimbatore dated 18.11.2010.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.268/2018 on the file of the High Court and upon hearing the arguments of M/S.M.N.BALAKRISHNAN, Advocate for the petitioner the court made the following order:-

Petitioner, who stands convicted for the offence 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

18.01.2018 in C.A.No.152 of 2017, pending disposal of the main revision.

-sd/-
28/02/2018

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 III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, [MAGISTERIAL LEVEL]
ALANDUR, CHENNAI

3 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE

4 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

C.C. to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges

Order

in
CRL MP.2969/2018

in
CRL RC.268/2018

Date :28/02/2018

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RD 28/02/2018