

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V.MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.3725 of 2018

IN CRL RC.311/2018

R.SUBRAMANI,

[PETITIONER]

Vs

A.R.BHOOPATHI

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.311/2018 of on the file of the High Court, the High Court will be pleased to exempt from surrendering before the Trial Court in connection with judgment made in CC No.186 of 2013 on the file of the Judicial Magistrate, Fast Track Court No.II, Coimbatore and thus render justice.[CRL.MP.NO.3725/2018]

Order : This petition coming on for orders upon perusing the petition and Memorandum of Grounds in Crl.Rc.NO.311/2018 On the file of the High Court and upon hearing the arguments of M/S.V.CHINNASAMY 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 11.10.2017 in C.A.No.223 of 2015, pending disposal of the main revision.

-sd/-

13/03/2018

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 JUDICIAL MAGISTRATE,
FAST TRACK COURT[MAGISTERIAL LEVEL-II]
COIMBATORE

2 THE V ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE[FOR INFORMATION]

+1 C.C. to M/S.R.DHANASEKAR Advocate on payment of necessary
charges SR.NO. 4882

Order

in
CRL MP.3725/2018

in
CRL RC.311/2018

Date :13/03/2018

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RD 13/03/2018