

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.4437 of 2018

IN CRL RC.362/2018

B.DHANASEKAR @ BALA SURIYA

[REVISION PETITIONER /
APPELLANT / ACCUSED]

Vs

P.RAJESH

[RESPONDENT]

Petitions praying that in the circumstances stated therein the High Court will be pleased to exemption to surrender before the concern court on 27/07/2017 in Criminal Appeal No.2 of 2015 (On the file of Principal District Sessions Judge, Thiruvallur) filed against the order in STC.No.25/2014 on the file of Fast Track Court at Ambattur, pending disposal of the CRL.RC.NO.362 of 2018. [IN CRL.MP.NO.4437 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.A.LAXMI RAJ RATHNAM, 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 27.07.2017 in C.A.No.2 of 2015, 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 PRINCIPAL DISTRICT
SESSIONS JUDGE, THIRUVALLUR.

2 THE FAST TRACK COURT
AMBATTUR.

3 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT [MAGISTERIAL LEVEL]
AMBATTUR.

4 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

C.C. to M/S.A.LAXMI RAJ RATHNAM Advocate on payment of
necessary charges

Order

in
CRL MP.4437/2018

in
CRL RC.362/2018

Date :20/03/2018

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MK:21/03/2018