

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V.MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.4514 of 2018

IN CRL RC.370/2018

B.JOTHIMURUGAN,

[PETITIONER]

Vs

S.GUNASEKAR,

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to grant an order of exemption from surrendering before the trial court in pursuance to the judgment dated 25.01.2018 made in C.A.No.195 of 2017 on the file of the Learned I Addl. District & Sessions Judge, Erode confirming the conviction imposed in judgment dated 16.06.2017 made in S.T.C.No.133 of 2016 on the file of the Learned Judicial Magistrate (Fast Track Court) No.1, Erode by allwing Crl.RC.370/2018.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.GURUPRASAD, 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 25.01.2018 in C.A.No.195 of 2017 of 2015, pending disposal of the main revision.

-sd/-
21/03/2018

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 I, ADDL. DISTRICT AND
SESSIONS JUDGE, ERODE.

2 THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT) NO.1, ERODE.

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

Order

in
CRL MP.4514/2018

in
CRL RC.370/2018

Date :21/03/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 21.03.2018