

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.4517 of 2018

IN CRL RC.371/2018

A.S.VIJAYA,

[PETITIONER]

Vs

S.LOGANATHAN

[RESPONDENT]

S/O.K.SUBRAMANIAM,
52-J, IYYAPPA NAGAR,
CHERAN STREET, CHENNIMALAI,
PERUNDURAI TALUK,
ERODE DISTRICT

Petition praying that in the circumstances stated therein the High Court will be pleased to exempt the petitioner from surrendering before the court below at present in pursuant to the judgment dated 08.01.2018 passed in CA No.35/2015 on the file of the 1st Additional District and Sessions Judge, Erode confirming the judgment dated 10.04.2015 passed in STC No.535/2013 on the file of the Judicial Magistrate Court (Fast Track Court No.II), Erode pending disposal of the above revision

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.I.C.VASUDEVAN, 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 08.01.2018 in C.A.No.35 of 2015 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 JUDICIAL MAGISTRATE,
COURT (FAST TRACK COURT NO.II, ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 THE 1ST ADDITIONAL DISTRICT
AND SESSIONS JUDGE, ERODE

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

Order
in
CRL MP.4517/2018
in
CRL RC.371/2018

Date :21/03/2018

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MD: 21/03/2018