

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.4680 of 2018

IN CRL RC.380/2018

P.M.KRISHNAMOORTHY,

[PETITIONER]

Vs

G.P.SENTHILKUMAR,

[RESPONDENT]

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 28.02.2018 passed in CA.No.312 of 2017 on the file of the III Additional District and Sessions Judge, Gobichettipalayam confirming the judgment dated 25.10.2017 passed in STC.No.5991 of 2014 on the file of the Judicial Magistrate Court No.I, Gobichettipalayam, Erode District 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 28.02.2018 in C.A.No.312 of 2017,
pending disposal of the main revision.

-sd/-
22/03/2018

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 III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, GOBICHETTIPALAYAM

2 THE JUDICIAL MAGISTRATE,
NO.I, GOBICHETTIPALAYAM, ERODE DISTRICT

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

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

Order
in
CRL MP.4680/2018
in
CRL RC.380/2018

Date :22/03/2018

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MD: 22/03/2018