

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V.MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.4739 of 2018

in CRL.RC.NO.391/2018

R.SENTHILVELU

[PETITIONER]

Vs

K.VELUMANI

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.4737 OF 2018 on the file of the High Court, the High Court will be pleased to Exempt the petitioner from surrender before the trial Court as per the judgment passed in C.A.No.220/2017 dated 20.12.2017 by the 1st Addl. District and Sessions Judge, Erode, by confirming the order passed in S.T.C.NO.281 of 2015 dated 18.4.2017 by the Judicial Magistrate, Fast Track No.2, Erode.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.4737 of 2018 on the file of the High Court and upon hearing the arguments of MR.K.GANDHI KUMAR 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

20.12.2017 in C.A.No.220 of 2017, pending disposal of the main revision.

-sd/-
23/03/2018

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 NO.II, ERODE.

2 THE 1ST ADDL. DISTRICT AND
SESSIONS JUDGE, ERODE.

C.C. to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges

Order

in
CRL MP.4739/2018
IN CRL.MP.4737/2018

Date :23/03/2018

From 7.2.2001 the Registry is issuing certified
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THS : 23.03.2018