

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.4750 of 2018

AND CRL.RC.NO.392 OF 2018

SANGAMESWARAN

[PETITIONER/APPELLANT/ACCUSED]

Vs

R. RAJESWARI

[RESPONDENT/RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.392/2018 on the file of the High Court, the High Court will be pleased to

[I]grant exemption to the petitioners for surrendering himself before the learned Judicial Magistrate NO.1 Gobichettipalayam STC NO.1936 OF 2011 dated 09.06.2017 pursuant to the judgment in Crl.A.No.178 of 2017 dated 25.01.2018 on the file of Additional Sessions Judge, Magalir Neethi Mandram [Fast Track Mahila Court] Erode, pending disposal of the above criminal Revision case and pass such further or other orders.[CRL.MP.NO.4750/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.392/2018 on the file of the High Court and upon hearing the arguments of M/S.S.VENKATESH, 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 25.01.2018 in C.A.No.178 o 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,
NO.I, GOBICHETTIPALAYAM

2 THE ADDITIONAL SESSIONS JUDGE
MAGALIR NEETHI MANDRAM[FAST TRACK MAHILA
COURT]ERODE

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE[FOR INFORMATION]

+1 C.C. to M/S.S.VENKATESH Advocate on payment of necessary
charges SR.NO. 5765

Order

in
CRL MP.4750/2018

AND CRL.RC.392 OF 2018

Date :23/03/2018

From 7.2.2001 the Registry is issuing certified
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RD 23/03/2018