

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.765 of 2018

IN CRL RC.102/2018

NANTHAKUMAR,

[PETITIONER]

Vs

R.RAJA,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC No.102 OF 2015 on the file of the High Court, the High Court will be pleased to exempt the petitioner to surrender the petitioner to undergo the sentence of imprisonment imposed in the judgment dated 27.06.2017 in STC No.508/2016 on the file of Judicial Magistrate (FTC-I), Erode and the same was confirmed in the judgment dated 07.11.2017 in C.A No.187/2017 on the file of Additional Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode pending disposal of the above CRL.RC.102/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.102 of 2018 on the file of the High Court and upon hearing the arguments of MR.I.C.VASUDEVAN, FOR M/S.R.NALLIYAPPAN, Advocate for the petitioner the court made the following order:-

Petitioner, who stands convicted for offences under Section 138 of Negotiable Instruments Act 1881, 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

07.11.2017 in C.A.No.187 of 2017 on the file of Additional Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court) Erode, pending disposal of the main revision.

-sd/-
25/01/2018

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,
(FTC-I) ERODE

2 THE ADDL. SESSIONS JUDGE,
MAGALIR NEETHI MANDRAM (FAST TRACK MAHILA
COURT), ERODE.

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

Order

in
CRL MP.765/2018

in
CRL RC.102/2018

Date :25/01/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 25.01.2018