

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.927 of 2019

S. Vimal Kumar

...Petitioner

Vs.

B. Gunasekaran

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the learned Judicial Magistrate (Fast Track Court) Tiruchengode, Namakkal District to accept the surrender of the petitioner and payment of the fine imposed in STC No.210 of 2016 and to suspend the sentence on presentation of a petition to that effect on the same day.

For Petitioner : Mr.K.Kannan

ORDER

A Non-Bailable Warrant has been issued against the petitioner pursuant to the judgement passed in STC. No.210 of 2016, wherein the petitioner was convicted for an offence under Section 138 of Negotiable Instrument Act and was sentenced to undergo six months simple imprisonment and to pay

a sum of Rs.5,000/- as fine and in default, to undergo one month simple imprisonment. Since the petitioner was not present at the time of passing of the judgment, non-bailable warrant was issued against the petitioner.

2. The present petition has been filed seeking for a direction to the Court below to accept the surrender of the petitioner and suspend the sentence.

3. The relief sought for by the petitioner cannot be granted by this Court. It is more than one year, since the judgement was passed. Therefore, the petitioner has to necessarily surrender before the Court below or file an appeal against the said judgement and work out his remedy. Till the sentence is suspended, there is no question of recalling the non-bailable warrant.

5. In the result, this Criminal Original Petition is dismissed.

10.01.2019

Index : Yes / No
Internet : Yes / No
rli/rka

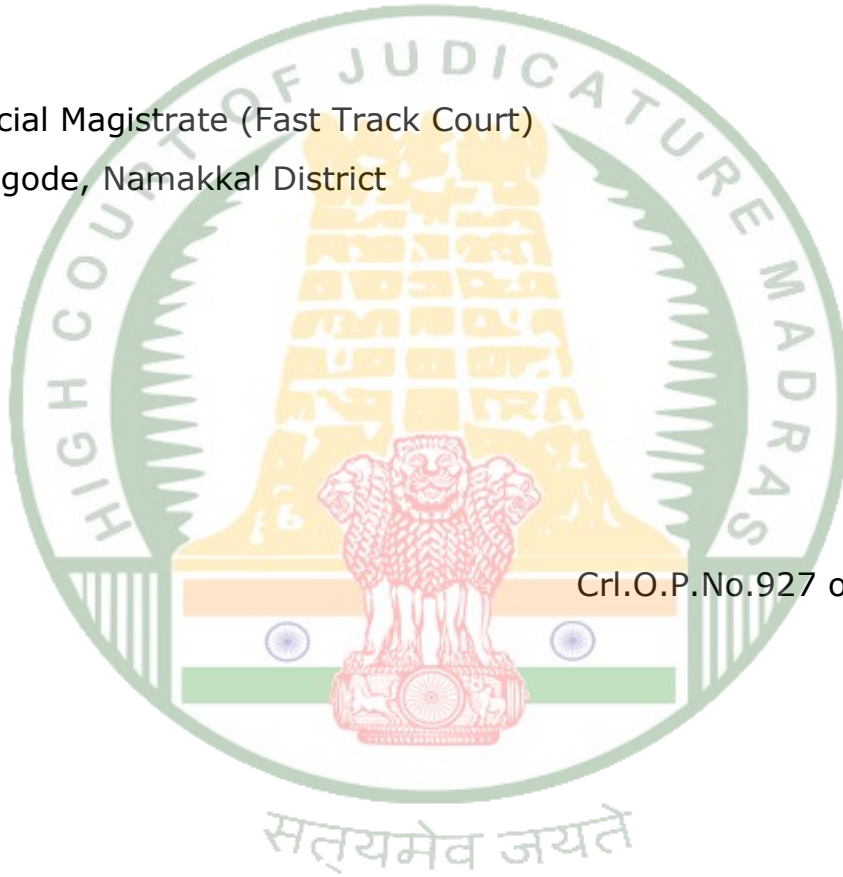
N.ANAND VENKATESH, J

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To

The Judicial Magistrate (Fast Track Court)

Tiruchengode, Namakkal District



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