

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6380 of 2019

IN CRL RC.402/2019

R.DHARMALINGAM

[ PETITIONER / APPELLANT / ACCUSED ]

Vs

STATE REP. BY INSPECTOR OF POLICE, [ RESPONDENT ]  
DISTRICT CRIME BRANCH,  
VELLORE, VELLORE DISTRICT,  
(CRIME NO.51/2012).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.402/2019 on the file of the High Court, the High Court will be pleased to allow the petition for exempting the petitioner from his surrender the Judgment passed by the Learned Judicial Magistrate No.II, Vellore, Vellore District in C.C.No.486/2015 dated 05.04.2018, confirmed by the Learned Additional District Judge, (Fast Track Court), Vellore, Vellore District in Crl.A.No.76/2018 dated 24/01/2019 pending disposal of the CRL.RC.NO.402 OF 2019

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.402/2019 on the file of the High Court and upon hearing the arguments of M/S.KANNADASAN E., Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous petition has been filed to exempt the petitioner from surrendering in pursuant to the judgement passed by the learned Judicial Magistrate No.II, Vellore, Vellore District in C.C.No.486 of 2015 dated 05.04.2018, confirmed by the learned Additional District Judge, (Fast Track Court), Vellore, Vellore District in Crl.A.No.76 of 2018 dated 24.01.2019.

This petition is closed, since suspension of sentence can be granted even if the accused has not surrendered and is not undergoing confinement as per the Judgement of this Court reported in **2008 1 MLJ Cr1 1001 [R.Ramamoorthy Vs. The Inspector of Police, Crime Branch, Erode]**.

-sd/-  
08/05/2019

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.II, VELLORE, VELLORE DISTRICT.

2 THE JUDICIAL MAGISTRATE,  
NO.I, VELLORE, VELLORE DISTRICT.

3 THE JUDICIAL MAGISTRATE,  
VELLORE DISTRICT.

4 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE [FOR INFORMATION]

5 THE ADDITIONAL DISTRICT JUDGE,  
[FAST TRACK COURT], VELLORE,  
VELLORE DISTRICT.

6 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

7 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
VELLORE, VELLORE DISTRICT.

C.C. to M/S.KANNADASAN E. Advocate on payment of necessary  
charges Order

in  
CRL MP.6380/2019

in  
CRL RC.402/2019

Date :08/05/2019

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