

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.14275 & 14276 of 2019

IN CRL.R.C.NO.1042 of 2019

G.PADMANABAN

[PETITIONER]

Vs

K.M.PERIYASAMY

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To grant an order of exemption from surrendering before the trial court in pursuance to the judgment dated 31/07/2019 made in C.A No.25/2019 on the file of the Principle Sessions Court, Erode confirming the judgement dated 27.12.2018 made in S.T.C.No.6 of 2014 on the file of the learned Judicial Magistrate Fast Track Court-II, Erode, pending disposal of the above Crl.R.C.NO.1042 of 2019. (CRL.M.P.NO.14275/2019)

(ii) To suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 31/07/2019 made in C.A No.25/2019 on the file of the Principle Sessions Court, Erode confirming the judgement dated 27.12.2018 made in S.T.C.No.6 of 2014 on the file of the learned Judicial Magistrate Fast Track Court-II, Erode, pending disposal of the above Crl.R.C.NO.1042 of 2019. (CRL.M.P.NO.14276/2019)

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.R.PRABAKAR, Advocate for the petitioner, the court made the following order:-

Heard the learned counsel for the petitioner.

2.This Court, vide order dated 4.10.2019, in Crl.M.P.No.14276 and 14275 of 2019 in Crl.R.C.No.1042 of 2019, has granted the reliefs of exemption from surrender before the trial Court, suspension of sentence and bail to the petitioner, subject to the condition that the petitioner shall deposit a sum of Rs.1,50,000/- i.e., 50% of the cheque amount within four weeks, failing which, it is open to the trial Court to commit the petitioner into custody for undergoing the sentence.

3.Subsequently, vide order dated 8.11.2019 passed by this Court in Crl.M.P.Nos.16272 and 16071 of 2019, the time for depositing the amount was extended by two weeks. However, till date, the petitioner has not complied with the said condition. The learned counsel for the petitioner is also unable to state any plausible reason for non-compliance of the order of this Court.

4.This Court is of the view that inasmuch as the petitioner/accused has failed to comply with one of the conditions imposed by this Court at the time of granting the reliefs of exemption from surrender, suspension of sentence and bail, despite two opportunities afforded, he is not entitled to the reliefs as sought in these petitions.

5.Hence, the Miscellaneous Petitions stand dismissed. The trial Court is directed to secure the petitioner/accused and commit him to prison for undergoing the period of sentence.

-sd/-
23/01/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE,
ERODE.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.II, ERODE

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

+1 C.C. to M/S. R.PRABAKAR Advocate on payment of necessary charges SR.NO.1382

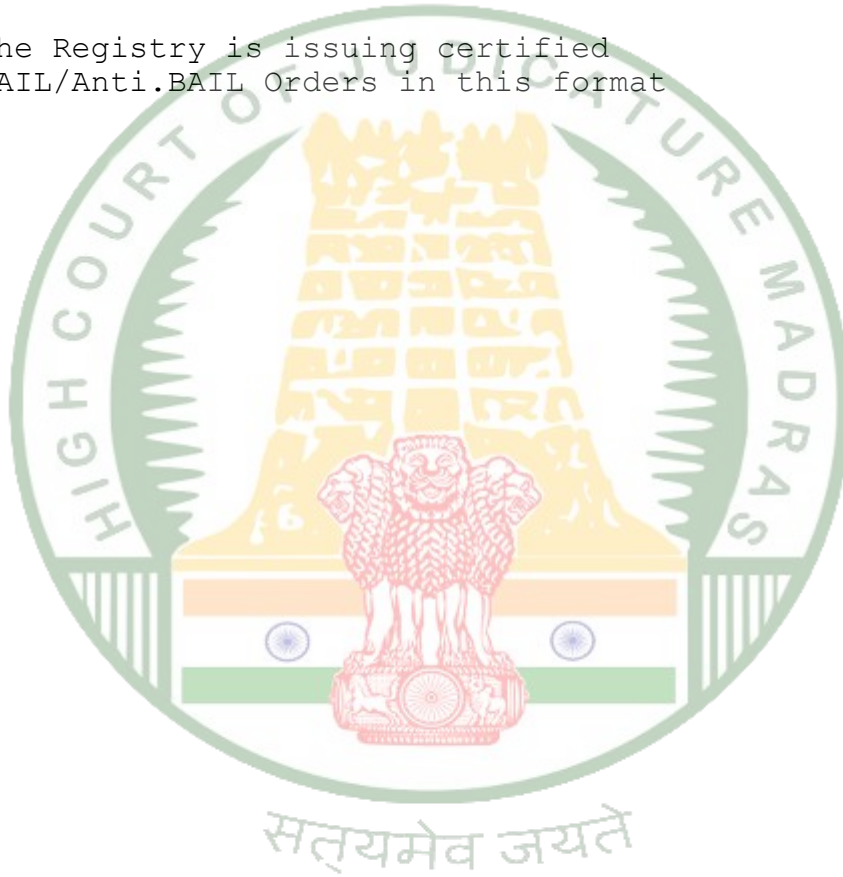
Order

in
CRL MP.14275 & 14276/2019
in
CRL.R.C.NO.1042/2019

Date :23/01/2020

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