

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Tenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.18104 & 18105 of 2019

IN CRL.RC.NO.1358 OF 2019

C.RAJENDIRAN

[PETITIONER / PETITIONER]

Vs

A.DHANABALAN

[RESPONDENT / RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1358/2019 on the file of the High Court, the High Court will be pleased to

[i]suspend the sentence imposed in STC NO.161 of 2016 dated 01.06.2018 on the file of the Judicial Magistrate FTC No.1, Erode and confirmed by the lower appellate court in C.A.No.223 of 2018 dated 30.11.2018 on the file of Second Additional District and Sessions Judge, Erode and enlarge him on bail, pending disposal of Crl.RC.No.1358/2019.[CRL.MP.NO.18104/2019]

[ii]exempt the petitioner from surrender before the trial court, in pursuant to the judgement in C.A.No.223 of 2018 dated 30.11.2018 on the file of Second Additional District and Sessions Judge, Erode by confirming the order passed in S..T.C.No.161/2016 dated 01.06.2018 by the Judicial Magistrate, Fast Track No.!, and erode pending disposal of this revision.[CRL.MP.NO.18105/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1358/2019 on the file of the High Court and upon hearing the arguments of M/S.K.GANDHI KUMAR, Advocate for the petitioner the court made the following order:-

Heard the learned counsel for the petitioner.

2.This Court, vide order dated 19.12.2019, in Crl.M.P.Nos.18105 and 18104 of 2019 in Crl.R.C.No.1358 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.75,000/- before the trial court within four weeks, failing which, it is open to the trial Court to commit the petitioner into custody for undergoing the sentence.

3. 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, 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 remaining period of sentence, if any.

-sd/-
10/02/2020

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 II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, ERODE.

2 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.1, ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

+1 C.C. to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges SR.NO. 25164

Order

WEB COPY

in
CRL MP.18104 & 18105/2019

IN CRL.RC.NO.1358 OF 2019

Date :10/02/2020

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RD 19/02/2020