

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.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 exempt the petitioner from surrender before the trial Court, in pursuant to the judgment in C.A.No.223 of 2018 dated 30.11.2018 on the file of IInd Additional District and Sessions Judge, Erode by confirming the date passed in S.T.C.No.161/2016 dated 01.06.2018 by the Judicial Magistrate, Fast Track No.1, and Erode pending disposal of Crl.RC.No.1358/2019.

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:-

The petitioner, who stood convicted for an offence under Section 138 of Negotiable Instruments Act, 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, wherein it has been categorically held that there is no precondition requiring the petitioner's surrender or being in confinement in availing the relief of suspension of sentence under Section 397 Cr.P.C. in exercise of revisional powers by the High Court, this Court considers it appropriate to allow this petition as prayed for.

3. Accordingly, the petitioner shall not be required to surrender before the trial Court, as per the judgment of the appellate Court dated 30.11.2018 in Criminal Appeal No.223 of 2018, pending disposal of the main revision.

-sd/-
19/12/2019

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 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]

C.C. to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges

Order

in
CRL MP.18105/2019

in
CRL.RC.1358/2019

Date :19/12/2019

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