

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.17441 of 2019

IN CRL.RC.NO.1289 OF 2019

J.AMBROSE [ PETITIONER / PETITIONER ]  
S/O.JOSEPH  
PROPRIETOR, M/S.VENUS PAPER & PAPER BOARD

Vs

M/S. SHRI PAVAZHABIGAI PAPER [ RESPONDENT / RESPONDENT ]  
& BOARD PVT. LTD.,,  
POWER AGENT P.MADHANMOHAN

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.1289/2019 on the file of the High Court, the High Court will be pleased to exempt the Petitioner/Accused from surrender in connected with the sentence passed in Crl.A.No.113 of 2019 on the file of the Principal Session Court at Erode dated 09.07.2019 confirming the judgment in STC.No.81 of 2016 on the file of Judicial Magistrate/ Fast Track Court No.2 at Erode, dated 27.03.2019 and to enlarge the Petitioner on bail, pending disposal of the above Crl.RC.NO.1289/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1289/2019 on the file of the High Court and upon hearing the arguments of M/S. MA.P.THANGAVEL, Advocate for the petitioner and of NO APPEARANCE on behalf of the Respondent the court made the following order:-

The petitioner, who stood convicted for 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 387 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 09.07.2019 in Criminal Appeal No.113 of 2019, 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 THE PRINCIPAL SESSIONS JUDGE  
ERODE.

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

3 THE CHIEF JUDICIAL MAGISTRATE  
ERODE [FOR INFORMATION]

C.C. to M/S. MA.P.THANGAVEL Advocate on payment of necessary charges

Order

in  
CRL MP.17441/2019

in  
CRL.RC.1289/2019

Date :19/12/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format  
cs 27/12/2019