

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of December Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.18273 of 2019

IN CRL.RC.NO.1387 OF 2019

1 VISWANATHAN
2 CHINNAMMAL
3 MURALISANKAR
4 BALAKRISHNAN

[PETITIONERS]

Vs

STATE BY
SUB-INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.
CR.NO.263/2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1387/2019 on the file of the High Court, the High Court will be pleased to exempt the petitioners from surrender in respect of the sentence of imprisonment imposed in the Judgment of passed in CC NO.56/2016 dated 10.10.2018 on the file of Judicial Magistrate No.IV, Salme and the same was confirmed in the judgment of C.A.NO.168/2018, Salem pending disposal of the above petition. [CRL.MP.NO.18273/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1387/2019 on the file of the High Court and upon hearing the arguments of M/S.R.NALLIYAPPAN Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioners, who stood convicted for offence under Section 294 (b), 324, 326 and 506(ii) IPC, seek exemption from surrendering to custody, as a pre-condition for consideration of their bail application moved in the Revision Case preferred by them 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 petitioners shall not be required to surrender before the trial Court, as per the judgment of the appellate Court dated 22.10.2019 in Criminal Appeal No.168 of 2018, pending disposal of the main revision.

-sd/-

09/12/2019

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 JUDICIAL MAGISTRATE,
NO.IV, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SUB-INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.

5 THE III ADDITIONAL DISTRICT
JUDGE, SALEM

+1 C.C. to M/S.R.NALLIYAPPAN Advocate on payment of necessary charges SR.NO. 25300

WEB COPY

Order

in

CRL MP.18273/2019

IN CRL.RC.NO.1387 OF 2019

Date :09/12/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 13/12/2019