IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.18256 of 2019

IN CRL.R.C.No.1302 of 2019

PALANISAMY [PETITIONER]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE
PARAMATHI POLICE STATION,
PARAMATHI VELLORE,
NAMAKKAL DISTRICT.

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

(i) To exempt the petitioner from surrendering before the Trial Court in pursuance to passing of the judgment in Crl.A.No.5/2019 on the file of the Court of Sessions (Fast Track Mahila), Namakkal District dated 01.11.2019 in the nature of confirming the punishment of imprisonment of five years for the offence punishable under section 307 IPC made in S.C.No.77/2015 on the file of the Assistant Sessions Judge, Paramathi dated 10.01.2019 pending disposal of the above Crl.R.C.No.1302 of 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.S.SENTHILNATHAN, Advocate for the petitioner, and of MR. K.PRABAKAR, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

The petitioner, who stood convicted for offence under Section 307 of IPC, 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

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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 01.11.2019 in Criminal Appeal No.5 of 2019, pending disposal of the main revision.

-sd/-
18/12/2019

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 ASSISTANT SESSIONS JUDGE,
PARAMATHI.

2 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
NAMAKKAL.

3 THE INSPECTOR OF POLICE
PARAMATHI POLICE STATION,
PARAMATHI VELLORE,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.S.SENTHILNATHAN Advocate on payment of necessary charges SR.NO.26047

Order
in
CRL MP.18256/2019
in
CRL.R.C.No.1382/2019

Date :18/12/2019

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