



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.34400 of 2019

Manjunath

...Petitioner/Accused

-Vs-

The State

Rep by The Inspector of Police,
Hosur Town Police Station (Incharge),
Traffic Investigation Branch,
Hosur,
Crime No.119/2007.

... Respondent/Defacto Complainant

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the Judicial Magistrate/Fast Track Court, Hosur to consider the bail application of the petitioner on the same day of his surrendr before the Judicial Magistrate/Fast Track Court, Hosur in C.C.No.236 of 2016 in Crime No.119 of 2007 on the file of the respondent.

For Petitioner : Mr.Eswar Kumar and Rao

For respondents: Mr.C.Raghavan
Government Advocate

ORDER

This Criminal Original Petition has been filed by the accused to direct the Judicial Magistrate [Fast Track Court] Hosur to consider the bail application of the petitioner on the same day of his surrender before the said Court in C.C.No.236 of 2016.

2. Perusal of the petition shows that the petitioner was facing trial for the alleged offences under section 279 and 304(A) IPC in C.C.No.236 of 2016 on the file of the Judicial Magistrate, [Fast Track Court] Hosur. In the said case, the judgment was pronounced on 24.03.2017 convicting the petitioner for the offences under section 279 IPC and 304 (A) and also awarded sentence under section 279 to a fine of Rs.1,000/- in default to undergo one month simple imprisonment and under section 304(A) IPC, he was sentenced to undergo six



months simple imprisonment and fine of Rs.1,000/-, in default to undergo to one month simple imprisonment.

3. The learned counsel for the petitioner has submitted that the petitioner is having a resident at Bangalore whereas the case was conducted before the Judicial Magistrate [Fast Track Court], Hosur and the petitioner has entrusted the matter with his counsel. But his counsel has not properly informed to him the hearing date and hence the petitioner could not appear before the trial court on the date of the judgment. He further submitted that now the respondent police is searching the petitioner for executing the warrant and hence he requests to direct the learned Judicial Magistrate, [Fast Track Court] Hosur to consider the bail application of the petitioner on the same day of the surrender.

4. Since the petitioner was convicted for the offences under sections 379 IPC and 304(A) IPC by the trial court on 24.03.2017 and awarded the sentence, the petitioner has to either surrender before the trial court and undergo the sentence awarded by the trial court or he has to file an appeal before the concerned appellate court. Instead of that he cannot file this kind of petition before this Court. This Court does not find any merit in this petition. Hence the petition is dismissed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mfa

To

1.The Judicial Magistrate,
Fast Track Court, Hosur.

2.The Inspector of Police,
Hosur Town Police Station (Incharge),
Traffic Investigation Branch,
Hosur,

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.34400 of 2019

NMI (CO)
CB(23/01/2020)