



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.18756 of 2019

AND CRL.R.C.No.1467 OF 2019

M.GANESAN

[PETITIONER]

Vs

K.PACHIYAMMAL

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1467/2019 on the file of the High Court, the High Court will be pleased to exempt the petitioner to surrender before the Trial Court and to present this Criminal Revision case against the judgment passed in STC.No.175/2016 dated 21.06.2019 by the learned Judicial Magistrate No.1, Mettur and confirmed the same in judgment passed in CA.No.137/2019 dated 22/11/2019 passed by the Additional District (Fast Track) Court,Mettur,till disposal of the main Crl.R.C.No.1467/2019

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1467/2019 on the file of the High Court and upon hearing the arguments of M/S. V.VIJAYAKUMAR, Advocate for the petitioner 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 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 22.11.2019 in Criminal Appeal No.137 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 JUDICIAL MAGISTRATE,
NO.I, METTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE ADDITIONAL DISTRICT JUDGE,
FAST TRACK COURT, METTUR

C.C. to M/S. V.VIJAYAKUMAR Advocate on payment of necessary charges

Order

in
CRL MP.18756/2019

AND CRL.R.C.No.1467 OF 2019

Date :18/12/2019

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RVR 09/01/2020