

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirtieth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.R.SWAMINATHAN

CRIMINAL MISCELLANEOUS PETITION No.19265 of 2019

IN CRL.RC.NO.1525 OF 2019

KUPPUSAMY

[PETITIONER / PETITIONER /
APPELLANT / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION,
POONAMALLEE, CHENNAI.
(CRIME NO.303/2007
KORATTUR POLICE STATION)

[RESPONDENT / RESPONDENT /
RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.1525/2019 on the file of the High Court, the High Court will be pleased to exempt the petitioner from surrendering before the Learned 1st Additional District and Sessions Judge, Thiruvallur District in C.A.No.84/2017 by order dated 15.10.2019 confirming the conviction and sentence passed by the learned Judicial Magistrate, Ambattur, Thiruvallur District, made in C.C.No.42 of 2008 dated 06.06.2017 convicting the petitioner under Sec.279 IPC and Sentencing him to undergo Three months SI and to pay a sum of Rs.500/- in default to undergo one week SI and convicting him under Sec.304(A) IPC and sentencing him to undergo six months SI and to pay fine a sum of Rs.5000/- in default to undergo one month SI and directing both sentences to run concurrently, pending disposal of the above Crl.RC.No.1525/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1525/2019 on the file of the High Court and upon hearing the arguments of M/S. T.R.RAVI, Advocate for the petitioner and of M/S.T.SHUNMUGARAJESWARAN, GOVERNMENT ADVOCATE O/O.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner, who stands convicted for offences under Sections 279 and 304-A 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, this Court considers it appropriate to allow this petition as prayed for. Accordingly, the petitioner shall not be required to surrender before the learned Judicial Magistrate, Ambattur, as per order dated 15.10.2019 in C.A.No.84 of 2017, pending disposal of the main revision.

-sd/-
30/12/2019

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 1ST ADDITIONAL DISTRICT AND
SESSIONS JUDGE, THIRUVALLUR DISTRICT.

2 THE JUDICIAL MAGISTRATE,
AMBATTUR, THIRUVALLUR DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION,
POONAMALLEE, CHENNAI.

C.C. to M/S. T.R.RAVI Advocate on payment of necessary charges
Order

in
CRL MP.19265/2019

in
CRL.RC.No.1525/2019

Date :30/12/2019