

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.19293 of 2019

in CRL.RC.NO.1526 OF 2019

1 M/S.MIRA ORGANICS AND CHEMIC [ PETITIONER ]  
ALS PRIVATE LIMITED,,  
REP BY ITS DIRECTOR P.VENKATESAN,

2 P.VENKATESAN  
DIRECTOR  
M/S.MIRA ORGANICS AND CHEMICAL  
PRIVATE LIMITED,

Vs

1 M/S.JAYAPRAKASH AGENCIES [ RESPONDENT ]  
REP BY ITS PROPRIETOR  
D.JAYAPRAKASH,

Petition praying that in the circumstances stated therein the High Court will be pleased to exempt the petitioners from surrendering before the lower court in pursuant to the judgment passed by the I Additional District and Sessions Judge, Tiruvallur, by its judgment in C.A.No.16/2018, dated 16.10.2019 and as confirming the conviction and modified the sentenced imposed by the learned Fast track Magistrate, Tiruvallur by his judgment dated 27.12.2017 made in S.T.C.NO.52 OF 2016

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.S.PANNEER SELVAN, Advocate for the petitioner , the court made the following order:-

Petitioners, who stand convicted for an offence under Section 138 of the Negotiable Instruments Act, 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**, this Court considers it appropriate to allow this petition as prayed for. Accordingly, the second petitioner shall not be required to surrender before the learned Judicial Magistrate,

Fast Track Court, Tiruvallur, as per judgment dated 16.10.2019 in C.A.No.16 of 2018, 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 THE JUDICIAL MAGISTRATE,  
FAST TRACK COURT, TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVALLUR. [FOR INFORMATION]

3 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
THIRUVALLUR.

+1 C.C. to M/S.S.PANNEER SELVAN Advocate on payment of  
necessary charges SR.NO. 26722

Order

in

CRL MP.19293/2019

in CRL.RC.NO.1526 OF 2019

Date :30/12/2019

WEB COPY

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