

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION Nos.1719 & 1720 of 2021

IN CRL.RC.No.97 of 2021

K.ARJUNAN

[PETITIONER / APPELLANT / ACCUSED
IN BOTH THE PETITIONS]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
KAVUNDAPADI POLICE STATION,
CR.NO.336/2013.

[RESPONDENT / RESPONDENT /
COMPLAINANT
IN BOTH THE PETITIONS]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.97/2021 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence of conviction passed by the Learned IIIrd Additional District and Sessions Judge Erode at, Gobichettipalayam in Criminal Appeal No.38 of 2019 dated 04.07.2020 and confirming the Judgement in C.C.No.108 of 2018 dated 09.07.2019 on the file Learned Judicial Magistrate-II, Gobichettipalayam against the petitioner, pending disposal of the above Crl.RC.No.97/2021. [IN CRL.MP.NO.1719/2021]

[ii] exemption from surrendering before the trial Court pursuant to the judgment dated 04.07.2020 passed in Crl.A.No.38 of 2019 on the file of IIIrd Additional District and Sessions Judge Erode and confirming the Judgement dated 09/07/2019 in C.C.No.108 of 2018 on the file Learned Judicial Magistrate-II, Gobichettipalayam, pending disposal of the above Crl.RC.No.97/2021. [IN CRL.MP.NO.1720/2021]

Order : These petitions coming on for orders upon perusing the petitions and the Memorandum of Grounds in Crl.RC.No.97/2021 on the file of the High Court and upon hearing the arguments of M/S. K.PRASATH Advocate for the Petitioner and of M/S.K.MADHAN, Government Advocate (crl.side) on behalf of the Respondent the court made the following order:-

The petitioner has filed these petitions seeking to suspend the sentence passed by the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam in Criminal Appeal No.36 of 2019, dated 04.07.2020 and confirming the Judgment in C.C.No.108 of 2018, dated 09.07.2019, on the file of the learned Judicial Magistrate-II, Gobichettipalayam; and seeking exemption from surrendering before the trial Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent-Police.

3. As it could be seen from the instructions received by the learned Government Advocate (Criminal Side) that the petitioner/accused neither appeared at the time of question of sentence, nor even, on the date of pronouncement of Judgment, and only thereafter, non-bailable warrant was issued against the accused/petitioner herein.

4. The conduct of the accused/petitioner is taken into consideration in delay tactics, as evident from the factual aspects, the petitioner/accused has not even surrendered before the learned Judicial Magistrate-II, Gobichettipalayam or before the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam. However, the petitioner/accused has filed the present petitions, seeking suspension of sentence and exemption from surrendering before the trial Court.

5. In view of the above, this Court is not inclined to encourage and entertain these type of petitions. Accordingly, these petitions are dismissed.

6. The Registry is directed to call for records from the Court below and list the matter for final disposal on 23.03.2021.

-sd/-

सत्यमेव जयते 19/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE ERODE AT
GOBICHETTIPALAYAM.

2 THE JUDICIAL MAGISTRATE,
NO.II, GOBICHETTIPALAYAM.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KAVUNDAPADI POLICE STATION.

6 THE SECTION OFFICER
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S. N.CHINNARAJ Advocate on payment of necessary charges

Order

in
CRL MP.Nos.1719 & 1720/2021

in
CRL.RC.97/2021

Date :19/02/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 26/02/2021

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