

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Eighth day of June Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
and

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2504 of 2021

IN

CRL.A.(MD).No.151 of 2021

MARIAPPAN @ MARIRAJ

... PETITIONER/APPELLANT/
ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TENKASI DISTRICT.
CRIME NO.226/2011

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the petitioners surrender before the learned III Additional Sessions Judge, Tirunelveli in connection with the judgment passed in S.C.NO.27 of 2014 dated 15/12/2020 pending disposal of the above Criminal Appeal.

Prayer in CRL.A.(MD).No.151 of 2021:

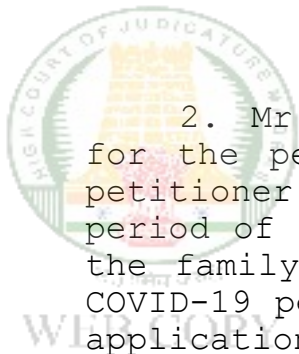
To admit the appeal preferred by this Appellants/Accused No.2 & 3 and call for the records from the Lower Court in S.C.No.27 of 2014 on the file of the III Additional Sessions Judge, Tirunelveli, Tirunelveli District and set aside the conviction and sentence dated 15.12.2020, imposed on the Appellants.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.KARTHIKEYAVENKITACHALAPATHY.M, Advocate for the petitioner and of MR.S.RAVI, Standing Counsel for Government on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by K.KALYANASUNDARAM.,J)

This criminal miscellaneous petition is filed by the petitioner/A3 seeking to dispense with the petitioner's surrender before the learned III Additional Sessions Judge, Tirunelveli in connection with the judgment passed in S.C.No.27 of 2014, dated 15.12.2020.

<https://hcservices.ecourts.gov.in/hcservices/>



2. Mr.M.Karthikeyavenkitachalapathy, learned counsel appearing for the petitioner would submit that the sentence imposed on the petitioner /A3 was suspended by the trial Court on 15.12.2020, for a period of 30 days, however, in view of the financial constraints in the family of the accused and also due to restrictions imposed in COVID-19 period, the appeal could not be filed in time. Hence, this application is filed to dispense with the surrender of the petitioner.

3. In the light of the above arguments, this petition is allowed.

sd/-
08/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE III ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.2504 of 2021
IN
CRL.A.(MD).No.151 of 2021
Date :08/06/2021

akv
JM/JC/SAR I/14.06.2021/2P/4C