



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2022

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.6968 of 2022

in

Crl.R.C.No.665 of 2022

Rajiv Gandhi @ Perumal

...Petitioner

Vs.

The State Rep. By
The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai.
Crime No.917 of 2011)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397 & 401 of Cr.P.C to exempt the petitioner to surrender in the conviction and sentence passed in C.A.No.122 of 2016 on the file of the learned III Additional Sessions Judge, Chennai, confirming the order in C.C.No.6179 of 2011 on the file of the learned XIII Metropolitan Magistrate, Saidapet, Chennai, pending disposal of the above Criminal Revision Case.

For Petitioner : Mr.G.S.Magesh

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering, in the conviction sentence imposed in C.A.No.122 of 2016 dated 28.02.2020, on the file of the learned III Additional Sessions Judge, Chennai, by confirming the judgment and sentence passed in C.C.No.6179 of 2011 dated 11.04.2016 on the file of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai.

2. On perusal of the judgment of the trial Court as well as the lower appellate Court, it is seen that the petitioner is convicted for the offence under Section 324 r/w 34 of IPC and sentenced to undergo



six months simple imprisonment and the nature of the offence is that on account of the enmity arising out of parking of car, the accused along with others is said to have attacked the victim with deadly weapon.

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3. On the day of pronouncement of judgment, the petitioner did not appear and the lower appellate Court proceeded to pronounce the judgment directing the trial Court to issue non bailable warrant and hence the petitioner has come up with this present petition for exemption to surrender. In support of this petition, the entire medical records of the petitioner are produced before this Court, and the discharge summary issued by the Saveetha Medical Center clearly shows that the petitioner was admitted into the hospital on 23.02.2021 and discharged on 03.03.2021 and the petitioner had undergone kidney transplantation.

4. Upon considering the same, I am of view that the petitioner has made out a case to grant extraordinary exemption from surrendering and accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-
26/05/2022

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 III ADDITIONAL SESSIONS JUDGE,
CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
NO.XXIII, SAIDAPET, CHENNAI.

3 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
R-10 MGR NAGAR POLICE STATION,
CHENNAI.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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+1 C.C. to Mr.G.S.Magesh Advocate on payment of necessary charges
SR.NO. 7918

Order

in
CRL MP.6968/2022
in
Crl.R.C.No.665 of 2022

Date :26/05/2022

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RW-27/05/2022