



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Monday, the Sixth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice D. BHARATHA CHAKRAVARTHY  
CRIMINAL MISCELLANEOUS PETITION No.6171 of 2022

IN

CRL RC.585/2022

V.JAYABALAN

[ PETITIONER/APPELLANT ]

Vs

THE STATE REP BY  
INSPECTOR OF POLICE,  
K.7.I.C.F. POLICE STATION,  
I.C.F. CHENNAI - 600 038.  
(CRIME NO. 34 OF 2014)

[ RESPONDENT ]

Petition praying that in the circumstances stated therein the High Court will be pleased to grant exemption of surrender of the petitioner herein before the learned XXI Additional Sessions Judge, Chennai 1 City Civil Court, Chennai on the date of Judgment in C.A.No. 304 of 2019 dated 28.02.2022 in confirming the conviction and sentence passed by the learned V Metropolitan Magistrate, Egmore, Chennai 8 in C.C.No.2708 of 2015 by judgment dated 01.08.2019 in respect of the offence under section 326 IPC and thus render justice in Crl.RC.No.585/2022.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. H.MARUTHIRAJ, Advocate for the petitioner and of MR.S.VINOTH KUMAR, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition is filed to exempt the petitioner from surrender before the learned XXI-Additional Sessions Judge, Chennai.1, City Civil Court, Chennai, in C.A.No.304 of 2019, dated 28.02.2022 by confirming the conviction and sentence passed by the learned V-Metropolitan Magistrate, Egmore, Chennai -8, in C.C.No.2708 of 2015, dated 01.08.2019, pending the disposal of the present Criminal Revision Case.

2.I have perused the petition filed for exemption and I am not satisfied with the reasons mentioned in the application.



3.The Judgment of the Hon'ble Supreme Court of India in Surya Baksh Singh Vs. State of U.P., has held in paragraph No.25, which reads as follows:-

"The routine is to file an appeal, apply and get enlarged on bail or get exempted from surrender, and thereafter wilfully to become untraceable or unresponsive. It is the bounden duty cast upon the Judge not merely to ensure that an innocent person is not punished but equally not to become a mute spectator to the spectacle of the convict circumventing his conviction."

Similarly, in the Judgment of the Hon'ble Supreme Court of India, in Vivek Rai v. High Court of Jharkhand, in paragraph No.3, has held as hereunder:-

"We do not find any merit in the challenge to the validity of the Rule. It is well-known practice that generally a revision against conviction and sentence is filed after an appeal is dismissed and the convicted person is taken into custody in the Court itself. The object of the Rule is to ensure that a person who has been convicted by two courts obeys the law and does not abscond. The provision cannot thus be held to be arbitrary in any manner. The provision is to regulate the procedure of the Court and does not, in any manner, conflict with the substantive provisions of CrPC relied upon by the petitioners."

Therefore, this Court is of the opinion that in a routine manner, exemption from surrender cannot be granted.

4.In this case, there is no special and acceptable reasons assigned in the application for grant for exemption from surrender. Therefore, the Criminal Miscellaneous Petition for exemption shall stand dismissed. However, one more opportunity is granted to the petitioner to surrender before 22.06.2022.

-sd/-

06/06/2022

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 V METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 XXI ADDITIONAL SESSIONS JUDGE,  
CHENNAI.1 CITY CIVIL COURT, CHENNAI

4 INSPECTOR OF POLICE,  
K.7.I.C.F. POLICE STATION,  
I.C.F. CHENNAI - 600 038.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

C.C. to M/S. H.MARUTHIRAJ Advocate on payment of necessary  
charges

Order  
in  
CRL MP.6171/2022

in  
CRL RC.585/2022

Date :06/06/2022

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RVR 07/06/2022