

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice D. BHARATHA CHAKRAVARTHY

CRIMINAL MISCELLANEOUS PETITION No.8504 of 2022

IN CRL RC.834/2022

RAVICHANDRAN

[PETITIONER]

Vs

V.S.P.SURESH

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.834/2022 on the file of the High Court, the High Court will be pleased to Dispense with of surrender of the petitioner in connection with Crl.A.43/2018 dated 21.01.2019 by the Learned Additional District Judge, FTC Vellore in reverse the order of C.C.No.277/2011 JUDICIAL MAGISTRATE-V FTC Vellore on the file of the Crl.RC.No.834 of 2022.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.834 of 2022 on the file of the High Court and upon hearing the arguments of M/S M.RAJENDIRAN, Advocate for the petitioner the court made the following order:-

This petition is filed to exempt the petitioner from surrendering on the Judgment and sentence imposed by the learned Additional District Judge, (Fast Track Court) Vellore, Vellore District in Crl. Appeal No.43 of 2018, dated 21.01.2019 in reverse the order of C.C.No.277 of 2011 passed by the learned Judicial Magistrate, (Fast Track Court), Vellore, Vellore District.

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 08.07.2022.

-sd/-

04/07/2022

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 JUDICIAL MAGISTRATE,
(FAST TRACK COURT), VELLORE,
VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

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

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

Order

in
CRL MP.8504/2022

in
CRL RC.834/2022

Date :04/07/2022

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RVR 11/07/2022