



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice D. BHARATHA CHAKRAVARTHY

CRIMINAL MISCELLANEOUS PETITION No.7095 of 2022

in

Crl.R.C.No.516 of 2022

SUJAARAM

[PETITIONER]

Vs

RAJKUMAR

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to exempt the petitioner from surrendering the Sentence dated 23.12.2021 imposed on the petitioner by the Learned Principal Sessions Judge, Krishnagiri in Crl.A.38/2019 Confirming the sentence dated 17.05.2019 imposed by the Learned Judicial Magistrate No.I Krishnagiri in S.T.C.NO.606/2017 and pass such further or other orders.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.KV LAW FIRM, Advocate for the petitioner the court made the following order:-

This petition is filed to exempt the petitioner from surrendering before the learned Principal Sessions Judge, Krishnagiri in Crl.A.No.38 of 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.1, 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 Jharkhand², 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 27.06.2022.

-sd/-
09/06/2022

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 THE PRINCIPAL SESSIONS
JUDGE, KRISHNAGIRI.

2 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

+1 C.C. to M/S.KV LAW FIRM Advocate on payment of necessary
charges SR.NO. 8770

Order

in

CRL MP.7095/2022

in

Crl.R.C.No.516 of 2022

Date :09/06/2022

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RW-15/06/2022