



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

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

WEB COPY

PRESENT

The Hon`ble Mr Justice D. BHARATHA CHAKRAVARTHY
CRIMINAL MISCELLANEOUS PETITION No.8239 of 2022

in CRL.RC.NO.805/2022

A.GOPAL

[PETITIONER]

Vs

1 R.THANGAPANDI

[RESPONDENTS]

2 STATE REP BY
PUBLIC PROSECUTOR,
COIMBATORE DISTRICT. 641 018.

Petition praying that in the circumstances stated therein the High Court will be pleased to exempt the petitioner from surrendering before the learned Judicial Magistrate, Fast Track Court No.2 at Magisterial Level, Coimbatore in C.C.no.265/2014 dated 13.02.2019 confirming the trial court Judgment in Crl.A.No.95 of 2019 dated 25.04.2022 by the IV Additional District and Sessions Judge at Coimbatore, pending disposal of the above Crl.RC.No.805/2022.

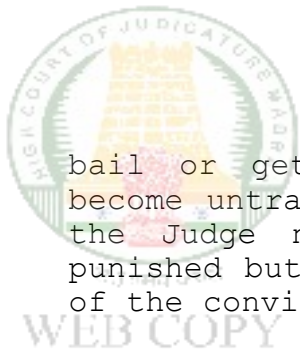
Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. T.SUNDARAVADANAM, Advocate for the petitioner and of THE PUBLIC PROSECUTOR(R-2) on behalf of the Respondent the court made the following order:-

This petition is filed to exempt the petitioner from surrendering before the learned Judicial Magistrate, Fast Track Court No.2 @ Magisterial Level, Coimbatore in C.C.No.265 of 2014 dated 13.02.2019 confirming the trial Court judgment in Crl.A.No.95 of 2019 dated 25.04.2022 by the IVth Additional District and Sessions Judge at Coimbatore, pending disposal of the above 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 Cr.P.C., 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 06.07.2022.

-sd/-

28/06/2022

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 JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.2 @ MAGISTERIAL LEGEL,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)



3 IVTH ADDITIONAL DISTRICT AND
SESSIONS JUDGE AT COIMBATORE.

4 THE PUBLIC PROSECUTOR,
COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

Order

in
CRL MP.8239/2022

in CRL.RC.NO.805/2022

Date :28/06/2022

From 7.2.2001 the Registry is issuing certified
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RVR 04/07/2022