



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL MP No. 11861 of 2026

in

CRL RC No. 1406 of 2026

1. Nithesh Kumar
S/o Ohmpal Singh,
418, Surana,
Murad Nagar,
Ghaziabad,
Uttarpradesh.
2. Pradeep Kumar
S/o Goverdhan Singh,
Dhakarai,
Nagaon,
Anchal-Sadabad,
Hathras District,
Uttarpradesh.

..Petitioners

Vs

The State rep by
The Additional Superintendent of Police
CBI, SCB, Chennai.
(In RC.No.6/S/2016/CBI/SCB),
Chennai.

..Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to pass an order of exemption from surrender in the conviction judgment made in C.C.No. 48 of 2017 dated 10.01.2024 and the consequential order passed in Crl.A.No.98 of 2024 dated 26.03.2026 by the Principal Sessions Judge, Chennai and thus render Justice.



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For Petitioners:

Mr.P.Nagaraju

For Respondent :

Mr.K.Srinivasan

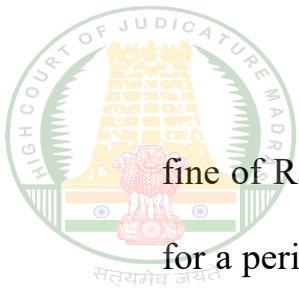
Special Public Prosecutor (CBI)

ORDER

This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the Lower Court in pursuant to the Judgment dated 26.03.2026 made in Crl.A.No.98 of 2024 passed by the Learned Principal Sessions Judge, Chennai, thereby confirming the Judgment of the Trial Court dated 10.01.2024 in C.C.No.48 of 2017 passed by learned Additional Chief Metropolitan Magistrate, Egmore, Chennai.

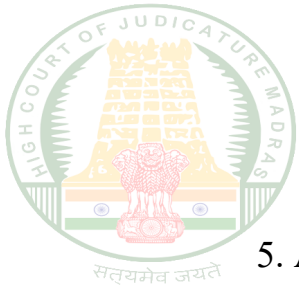
2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. Based on the complaint, the respondent registered a case in RC.No.6/S/2016/CBI/SCB/Chennai, for the offence under Section 419 and 420 of IPC. After completion of the investigation, the respondent filed a final report and the same has been taken cognizance in C.C.No.48 of 2017 on the file of the Additional Chief Metropolitan Magistrate, Egmore, Chennai. After a full-fledged trial, the Trial Court convicted the first petitioner for the offences punishable under Section 120B read with Section 420 and Section 420 of IPC and sentenced him to undergo two years rigorous imprisonment and to pay a



fine of Rs.1,500/- for each offences, in default to undergo simple imprisonment for a period of six months. The second petitioner was convicted for the offence punishable under Section 120B read with Section 420 and Section 420 of IPC and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1,500/- for each offence and in default, to undergo simple imprisonment for a period of six months. Additionally, the second petitioner was convicted for the offence punishable under Section 419 of IPC and sentenced to undergo two years rigorous imprisonment. Aggrieved by same, the petitioners preferred an appeal in Crl.A.No.98 of 2024 on the file of the Principal Sessions Judge, Chennai and the same was dismissed, thereby confirming the sentence imposed by the Trial Court. Aggrieved by the concurrent findings, the petitioners preferred a Criminal Revision Petition before this Court, along with the present application, seeking exemption from surrendering before the Trial Court.

4. Both the Trial Court as well as Appellate Court convicted the petitioners for the offence under Section 120B read with Section 420 and Sections 419 and 420 of IPC. Without surrendering before the Trial Court, the petitioners filed this petition seeking exemption from surrendering before the Trial Court. Therefore, the petitioners failed to make out a prima facie case for granting exemption and this Court is not inclined to entertain this petition seeking exemption from surrendering before the lower court.



5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

LPP

To

1.The Principal Sessions Judge,
Chennai.

2.The Additional Chief Metropolitan Magistrate,
Egmore, Chennai.

3. The Additional Superintendent of Police
CBI, SCB, Chennai. (In RC.No.6/S/2016/CBI/SCB),
Chennai.

4.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN J.

LPP

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