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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fifteenth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.13291 of 2023

in

CRL RC(MD)No.1032 of 2023

D.MUTHUMARI

... PETITIONER/PETITIONER/ ACCUSED

Vs

R.SAIRA BANU

... RESPONDENT/RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Exempt the Petitioner from surrender before the Learned Judicial Magistrate No.I,Sivakasi in CC.No.321 of 2016 judgment dt.3.11.2018 confirmed in judgment dt.26.7.2022 made in CA.No.135 of 2018 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD). 1032/ 2023 :

To Set aside the Judgment and conviction order passed by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur dated 26.7.2022 against the Judgment dt.3.11.2018 passed by the Learned Judicial Magistrate No.I,Sivakasi in C.C.No.321 of 2016 and acquit the accused for the offence under Section 138 of Negotiable Instruments Act.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ANANDHA RAJAGOPAL S, Advocate for the petitioner while admitting the CRL RC(MD) No.1032 of 2023, the Court made the following order:-



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This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrender, pursuant to the judgment of conviction rendered by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, in C.A.No.135 of 2018 dated 26.07.2022, by confirming the judgment passed by the learned Judicial Magistrate No-I, Sivakasi in C.C.No.321 of 2016, dated 03.11.2018, pending disposal of the above Criminal Revision Case.

2. Being satisfied with the reasons stated in the affidavit filed in support of this petition as well as in the memorandum of grounds raised in this petition, this petition is allowed.

sd/-
15/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SBN

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE NO.I
SIVAKASI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR



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ORDER
IN
CRL MP(MD) No.13291 of 2023
in
CRL RC(MD)No.1032 of 2023
Date :15/09/2023
(2/2)

SS/JGB/25/09/2023/3P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023