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Crl.M.P.No.10762 of 2025 in Crl.R.C.No.722 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.10762 of 2025
in Crl.R.C.No.722 of 2025

Sridhar

... Petitioner

Vs

The State Rep By,
The Inspector of Police,
TIW Police Station,
Salem.

(Crime No.355 of 2012)

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 438(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to exempt the petitioner from surrendering on the Appellate Court Judgment passed in Learned I Additional District and Sessions Judge, Salem in Crl.A.No.94 of 2024 dated 31.01.2025 which was confirmed against the petitioner in CC.No.76 of 2015 dated 27.03.2024 by the Learned Judicial Magistrate No.II, Salem for preferring Criminal Revision and suspension of execution petition.

For Petitioner : Mr.M.Marimuthu

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)



ORDER

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This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the Trial Court as per the Appellate Court Judgment passed in Learned I Additional District and Sessions Judge, Salem in Crl.A.No.94 of 2024 dated 31.01.2025, confirming the Judgment passed in CC.No.76 of 2015 dated 27.03.2024 by the Learned Judicial Magistrate No.II, Salem.

2. Heard both sides and perused the materials available on record.

3. The petitioner is an accused in C.C.No.76 of 2015, on the file of the Judicial Magistrate No.II, Salem for the offences punishable under Sections 379, 338 and 304(A) of IPC. The Trial Court convicted the petitioner for the above said offences and sentenced to undergo simple imprisonment for a period of one year and imposed fine of Rs.5000/- for the offence punishable under Section 304(A) of IPC, sentenced to under simple imprisonment for a period of one month and imposed fine of Rs.1000/- for the offence under Section 279 of IPC and sentenced to undergo simple imprisonment for a period of two months and imposed fine of Rs.1000/- for the offence punishable under Section 338 of IPC. In default of payment of fine, the accused shall undergo simple



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imprisonment for a period of one week for each of the offences. Aggrieved by the same, the petitioner preferred an appeal in CrI.A.No.94 of 2024 and the same was dismissed by an order dated 31.01.2025, thereby confirming the Judgment and sentence imposed by the Trial Court. Aggrieved by the same, the petitioner preferred a revision before this Court along with this application to exempt him from surrendering before the Trial Court.

4. Both the Trial Court as well as Appellate Court convicted the petitioner for the offences punishable under Sections 379, 338 and 304(A) of IPC. Without surrendering before the Trial Court, the petitioner filed this petition seeking exemption from surrender. Therefore, the petitioner failed to make out a prima facie case for granting exemption and this Court is not inclined to entertain this petition seeking exemption from surrender before the lower court.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

12.06.2025
(1/2)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn

G.K.ILANTHIRAIYAN. J.



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mn

To

1. The I Additional District and Sessions Judge,
Salem.
2. The Judicial Magistrate No.II,
Salem.
3. The Inspector of Police,
TIW Police Station,
Salem.
4. The Public Prosecutor,
High Court, Madras.

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