



Crl.M.P.No.14634 of 2025 in Crl.R.C.No.1245 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

CORAM:

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

Crl.M.P.No. 14634 of 2025
in Crl.R.C.No. 1245 of 2025

1. Vinoth
2. Vasanth
3. Balaji

... Petitioners

Vs

State rep. By the
Inspector of Police,
Kuthalam

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to pass an order of an exemption to surrender the petitioner before the Lower Court in pursuant to the Judgment dated 16.10.2024 made in Crl.A.No.17 of 2023 passed by the Learned District Judge, Mayiladuthurai in confirming the Judgment of the Trial Court dated 31.08.2023 in CC.No.116 of 2022 passed by learned Judicial Magistrate No.I, Mayiladuthurai.

For Petitioners : Mr.Shivakumar for
M/s K.M.Vijayan Associates

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER



Crl.M.P.No.14634 of 2025 in Crl.R.C.No.1245 of 2025

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This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the Lower Court in pursuant to the Judgment dated 16.10.2024 made in Crl.A.No.17 of 2023 passed by the Learned District Judge, Mayiladuthurai in confirming the Judgment of the Trial Court dated 31.08.2023 in CC.No.116 of 2022 passed by learned Judicial Magistrate No.I, Mayiladuthurai.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

3. The petitioner is an accused in CC.No.17 of 2023, on the file of the learned Judicial Magistrate No.I, Mayiladuthurai. After full-fledged trial, the Trial Court convicted the petitioner for the offence punishable under Section 294(b) of IPC and imposed fine of Rs.500/- each in default of payment of fine amount, ordered one week Simple imprisonment and offence under Section 354 of IPC sentenced to undergo simple imprisonment for one year and imposed fine of Rs.1,000/- each in default of payment of fine amount, ordered one month simple imprisonment, under Section 355 of IPC sentenced to under simple imprisonment for six months. Aggrieved by same, the petitioner preferred an



Crl.M.P.No.14634 of 2025 in Crl.R.C.No.1245 of 2025

appeal in Crl.A.No.17 of 2023 on the file of the learned District Judge, Mayiladuthurai and the same was dismissed, confirming the sentence imposed by the Trial Court. Aggrieved by the same, the petitioners preferred revision before this Court along with this application to exempt them from surrendering before the Trial Court.

4. Both the Trial Court as well as Appellate Court convicted the petitioners for offences under Sections 294(b), 354 and 355 of IPC. Without surrendering before the Trial Court, the petitioners filed this petition seeking exemption from surrender. 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 surrender before the lower court.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

14.08.2025

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

G.K.ILANTHIRAIYAN. J.



Crl.M.P.No.14634 of 2025 in Crl.R.C.No.1245 of 2025

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- To
1. The District Judge, Mayiladuthurai
 2. The Judicial Magistrate No.I, Mayiladuthurai.
 3. State rep. By the Inspector of Police, Kuthalam
 4. The Public Prosecutor, High Court, Madras

Crl.M.P.No. 14634 of 2025
in Crl.R.C.No. 1245 of 2025

14.08.2025