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Crl.M.P.No. 10464 of 2025 in Crl.R.C.No.690 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM:

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

Crl.M.P.No.10464 of 2025
in Crl.R.C.No.690 of 2025

J.Ravi

... Petitioner

Vs

Anandan

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) r/w 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to allow the petition for exempting the petitioner from his surrender the judgment by the learned Judicial Magistrate, No.I, Krishnagiri, Krishnagiri district in S.T.C.No.338/2018 dated 14.09.2023 and modifying the judgment and sentence by the learned Additional Sessions Judge, Krishnagiri, Krishnagiri District in Crl.A.No.1/2024 dated 10.02.2025 pending disposal of the Crl.R.C.No.690/2025 on the file of this Court.

For Petitioner : Mr.E.Kannadasan

ORDER

This Criminal Miscellaneous Petition has been filed to exempt the petitioner from surrendering before the Lower Court in pursuant to the Judgment dated 10.02.2025 made in Crl.A.No.1 of 2024 passed by the Learned



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Additional Sessions Judge, Krishnagiri, thereby confirming the Judgment of the Trial Court dated 14.09.2023 in STC.No.338 of 2018 passed by learned Judicial Magistrate No.I, Krishnagiri, Krishnagiri District.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act in STC.No.338 of 2018, on the file of the Judicial Magistrate No.I, Krishnagiri, Krishnagiri District. After full-fledged trial, the Trial Court convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.12,00,000/-. Aggrieved by same, the petitioner preferred an appeal in Crl.A.No.1 of 2024 on the file of the Additional Sessions Judge, Krishnagiri, and the same was dismissed, confirming the sentence imposed by the Trial Court. However, the compensation imposed by the Trial Court was modified to Rs.6,00,000/-. Aggrieved by the same, the petitioner preferred revision before this Court along



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with this application to exempt him from surrendering before the Trial Court.

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4. Both the Trial Court as well as Appellate Court convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act. 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.

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(2/3)

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

1. The Additional Sessions Judge, Krishnagiri
Krishnagiri District.

2. The Judicial Magistrate No.I,
Krishnagiri, Krishnagiri District



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G.K.ILANTHIRAIYAN. J.

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