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Crl.M.P.No.10249 of 2025 in Crl.R.C.No.635 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2025

CORAM:

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

Crl.M.P.No.10249 of 2025
in Crl.R.C.No.635 of 2025

M/s.Sri Jai Maruthi Transport
Rep by its Proprietor
Mr.Sethuraman,
No.196, Sundaram Pillai Nagar,
1st Main Street, Tondiarpet,
Chennai-600 081.

... Petitioner

Vs

Kavi Bharathi

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to exempt the petitioner to surrender before the appellate court on the day of judgment dated 24.01.2025 made in C.A.No.95/2023 on the file of the Hon'ble XIX Additional City Civil Court, Chennai confirming the judgment dated 08.08.2022 made in CC No.944 of 2017 on the file of The Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai.

For Petitioner : Mr.A.J.Mohamed Kassim

ORDER

This Criminal Miscellaneous Petition has been filed to exempt the petitioner to surrender before the Trial Court pursuant to the judgment dated 24.01.2025 made in C.A.No.95 of 2023 on the file of the XIX Additional City

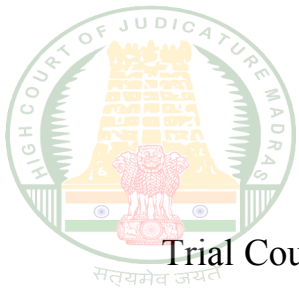


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Civil Court, Chennai confirming the judgment dated 08.08.2022 made in CC No.944 of 2017 on the file of the Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai.

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 CC No.944 of 2017, on the file of the Metropolitan Magistrate, Fast Track Court at Magisterial Level-IV, George Town, Chennai. 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 four months simple imprisonment and to pay a compensation to the tune of cheque amount. Aggrieved by same, the petitioner preferred an appeal in C.A.No.95 of 2023 on the file of the XIX Additional City Civil Court, Chennai and the same was dismissed, confirming the sentence imposed by the Trial Court. Aggrieved by the same, the petitioner preferred revision before this Court along 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.

04.06.2025
($\frac{1}{2}$)

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

1. The XIX Additional City Civil Court, Chennai.
2. The Metropolitan Magistrate,
Fast Track Court at Magisterial Level-IV,
George Town, Chennai.
3. The Public Prosecutor,
High Court, Madras.

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